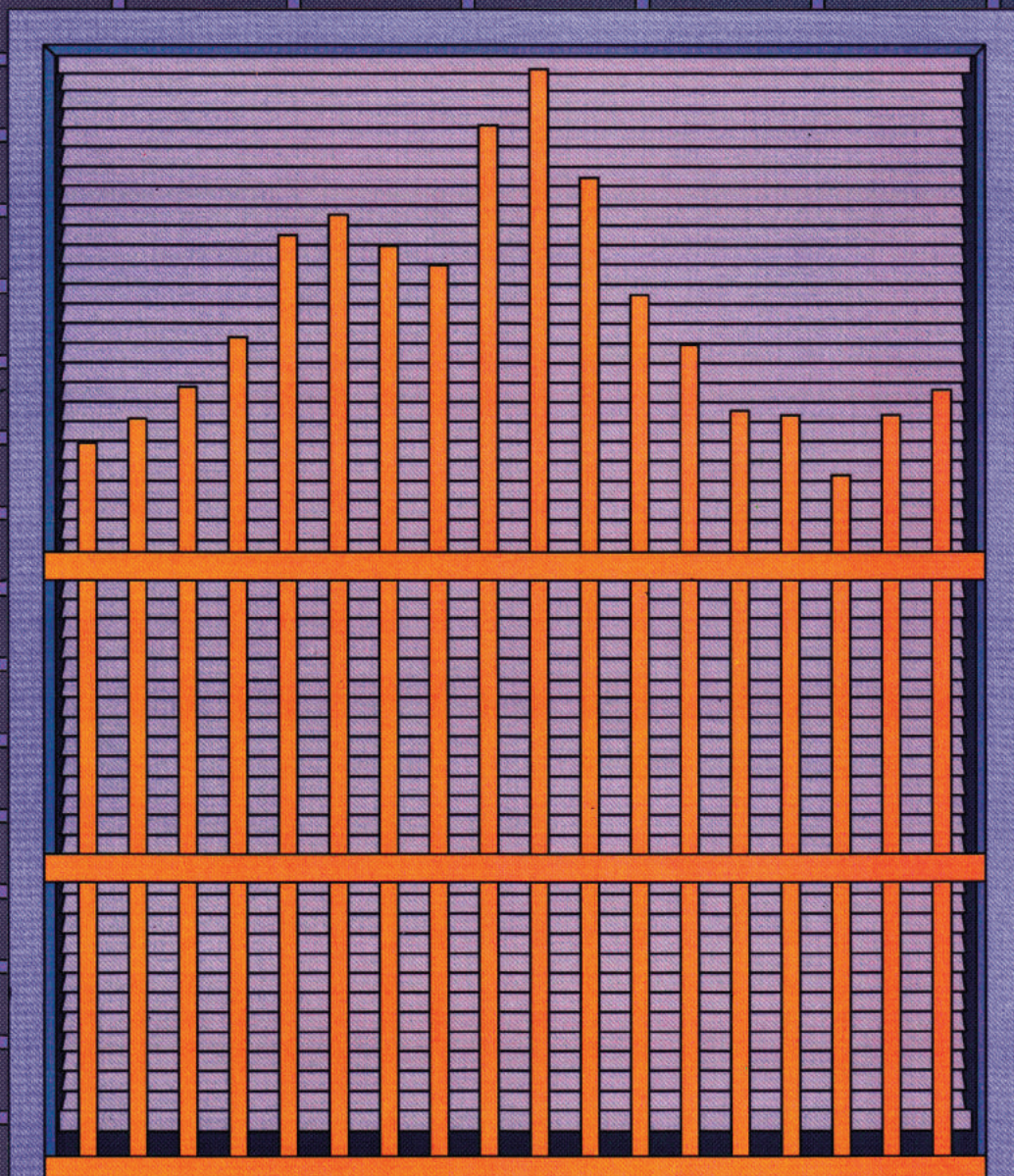


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REASON IN REVOLT

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**Distress due to poverty gives the worker only the choice of starving slowly, killing himself quickly, or taking what he needs where he finds it — in plain English, stealing. And it is not surprising that the majority prefer to steal rather than starve to death or commit suicide.**

**—Friedrich Engels, *The Condition of the Working Class in England*,  
1845**

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# Front Matters

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OPENING  
STATEMENT



In early 2012, the literary journal *n+1* plunged headfirst into the Occupy Wall Street era with a six-thousand-word article entitled “Raise the Crime Rate.” Written by Christopher Glazek, the essay attracted modest attention at the time but would go on to become an influential provocation.

The editorial was a bold call for a progressive movement to radically switch gears from prioritizing “health care, abortion, gay rights, early education, progressive taxation, and any number of other worthy objectives” to instead abolishing the US prison system. Glazek backs this up by describing the unacceptable barbarism of prison life in America, shocking readers with horrific examples of the mass rape, beatings, and solitary confinement endemic to incarceration.

Glazek’s argument is that the relatively low level of crime in America from the late 1990s on was achieved by simply displacing that crime from civil society to the unfree shadow world of the seven million Americans that live under the direct control or surveillance of the correctional system.

Where other leftists from the past and present have argued that it’s exactly a democratic socialist politics of redistribution, health care, and jobs that could radically

reduce poverty and thus crime and violence, Glazek sees such prescriptions as a distraction, citing the high unemployment of our era as being entirely compatible with our falling crime rate. As he put it, “Crime and unemployment were supposed to rise in tandem — progressives have been harping on this point for centuries.”

In fact, the editorial argues that socialist prescriptions aren’t just insufficient solutions to ending the nightmare, they’re diversions. “We must be ready to sacrifice the traditional progressive agenda,” Glazek said, “on the altar of criminal justice.” By divorcing the roots of crime from material conditions, he repeats

the conservative trope about crime being the product of social or cultural pathologies.

Things are so dire, in Glazek’s telling, that he explicitly calls for a radical expansion of the death penalty as a way to bring down the incarceration rate: “A prisonless society where murderers were systematically executed and rapists were automatically castrated wouldn’t be the most humane society imaginable, but it would be light-years ahead of the status quo.” He also implores progressives to give up on gun control: “You’ll have a hard time convincing anybody that we should abolish prisons and take away the community’s ability to defend itself.”

## Lower the Crime Rate

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**Crime is born out of poverty and the miseries of capitalism. An index of oppression can’t be ignored by socialists.**

Refusing to stop there, Glazek makes an unequivocally libertarian argument for a new, private sector–based criminal justice system that would be achieved by simply letting all the inmates out and forcing “the free market” to clean up the mess, what he approvingly refers to as “a deregulation of criminal punishment” and “letting the private sector determine how best to prevent ourselves from getting robbed.” Or, you can merely arm yourself and protect your own. This isn’t too different than arguments coming from the militia movement in America or the chainsaw-wielding Colombian paramilitaries that arrive in a village promising to restore order.

“In high finance, the laissez-faire approach has proved to be a disaster,” Glazek says. “For petty crime, it would be a boon.”

No mention is made in this story of the high level of enduring poverty in America amid great wealth, nor of the high level of violence when compared to the rest of the developed world — yes, even in our “low-crime” era. Readers are led to believe that Americans constructed this nightmare out of either cruelty or an insufficient tolerance for public violence. There is something strikingly parochial about this telling of history: crime is portrayed as a uniquely American phenomenon that can’t be explained by material conditions.

For Glazek, it’s much simpler than that: “it’s sadism, not avarice, that fuels the country’s prison crisis.”

A decade since the *n+1* essay, there are signs that crime is once again

rising. Last year, 21,570 people were murdered in the United States — the largest single-year surge in the country’s history, and an increase of 4,901 killings from 2019. Last year also saw the highest number of gun deaths in history. The overwhelming majority of these deaths were concentrated in America’s poorest and most racially segregated neighborhoods. It’s not surprising that commentators are speculating about whether we’re set for a return to the “bad old days” of the 1980s and ’90s.

While there is no simple explanation for this rise, the political right is quick to blame the development on growing anti-police sentiment following Black Lives Matter protests. Facing increased scrutiny, they say, cops have become hesitant to intervene and actually stop crimes; as a result, criminals are gaining confidence that they can break the law with impunity. But security concerns resonated far beyond Fox News.

Americans believe that crime is getting worse. A 2020 Gallup poll found that 78 percent thought crime had increased over the course of that year, the highest number recorded since 1993. It is hard not to see the election of figures like Eric Adams as New York mayor as not, at least in part, driven by crime concerns. In the run-up to his election, one survey found that 46 percent of likely voters said crime or violence is a “main problem” in New York today.

Data shows that crime is still down significantly from 1990s levels and that some categories of crime actually decreased last year. But

that doesn’t render perceptions about rising crime less politically significant — nor the fact that crime seems more concentrated than ever in poor areas. “Hey, murders are way up — but robberies are down!” are not exactly comforting words.

Polling shows that 86 percent of all Americans want the police to spend the same amount of time or more in their neighborhood. But whatever conservatives say, that doesn’t mean there’s a budding “Blue Lives Matter” coalition in the country. Americans also indicate that they want a different type of policing — 58 percent say that policing requires major changes, and 79 percent think police violence is a serious problem.

What should we have to say about crime, then, an issue that looks like it will be an important part of politics for years to come in the United States and beyond?

Anxieties about public security have fueled the rise of the far right globally, who promise to lower crime through bullets and prisons. Large groups of people can sincerely believe that their neighborhood, city, or country is becoming more dangerous, even when data points in the opposite direction. Republicans will spend much of the 2022 midterm election campaign talking about a crime wave and crime-infested, Democrat-run cities — and Democrats are already showing signs of retreating from meaningful police reforms.

Many on the Left worry that talking about crime only empowers the police to commit abuses in the name of law and



order, and socialists have rightly defined themselves over the last few decades in opposition to a staggeringly unjust criminal justice system. But we don't have to abandon opposition to mass incarceration or a critique of police to respond to crime.

The stakes are too high to allow the Right to define the politics of public safety through claiming “the only good bandit is a dead bandit” or “lock them all up” as an expression of popular will. Indeed, for decades, liberals echoed right-wing approaches to public security, introducing harsher drug laws, building prisons, and pairing worthy aims such as reducing the number of illegal guns in circulation with racist and anti-poor punitive measures.

Elsewhere in the Americas, economic crisis and the COVID-19 pandemic triggered even more severe increases in crime: 50,033 people in Brazil and 34,515 in Mexico were murdered in 2020, many with guns that were smuggled out of the United States. Organized crime adapted quite well to pandemic conditions, not only retooling rackets but exploiting the new opportunities presented by the crisis, from fake vaccines to siphoning off some of the massive injection of liquidity that went into the global financial system. In some cases, as the state failed to provide social assistance, mafias filled the void, supplying PPE and enforcing lockdowns in the neighborhoods under their control. When the state is unable to administer public security, private security and paramilitaries close the gap, with devastating

consequences for the Left, as in Brazil, Colombia, and Mexico.

Moreover, criminal activities, from drug trafficking to extortion and illegal mining, are central to the global economy. According to the United Nations, crime generates an estimated \$2.1 trillion in global annual proceeds — about 3.6 percent of the world's GDP. The money from extortion and drug trafficking flows through the same banks that the tax cheats and oligarchs use. By conservative estimates, the trade in illicit drugs alone is worth over \$600 billion a year (the United States accounts for \$150 billion of this), translating into about 1 percent of the total world GDP. Mafia capitalists, after all, are still capitalists, and they tend to ally with the state, or even the United States, when facing a threat from the working class.

To make matters worse, the organizations that reap the rewards of illicit activities are the same mafias used by the state and capital to repress calls for leftist reform. From Sicily to Colombia, organized crime intimidates and murders trade unionists, peasant leaders, and socialists. The profits from crime are often reinvested in dirty wars and counterinsurgencies.

While not dismissing the ways in which the law is used to criminalize poor people of color, socialists should view crime itself as an index of oppression. Crime is born out of poverty and the miseries of capitalism. Simply put, crime is a real social problem, and those worst affected by it are the working class, in

particular black and brown communities. The average victim of a crime worldwide is a worker commuting to and from their place of employment.

Tackling crime requires the Left to build a platform that dismantles both racist stereotypes about “black criminality” and the usual bromides about personal responsibility, without simply dismissing the issue as bigoted media hysteria. It also demands an analysis of what happens when the state is unable to guarantee public security, and a way of dealing with the threat posed by organized crime.

This does not mean socialists should buy into the moral panics that have driven drug wars, mass incarceration, and all those other “solutions” that have merely compounded the problem. It means we should take crime and the concerns of the working class seriously, and that anxiety regarding rising crime can be used to argue for the necessity of change. If we fail to do this, the far right and our enemies will seek to exploit real concerns over crime for their own benefit — as we have seen, with tragic results, in the rise of Jair Bolsonaro in Brazil.

The good news is that socialists already have actual solutions to the problem. Through the radical redistribution of wealth and power, creating jobs, investing in education and housing, and providing health care and after-school activities, along with measures like taking guns off the streets, we can, in fact, reduce crime through building socialism. All our enemies can offer is repression: police and prisons. ■

# Letters

---

Be firm, but fair,  
when writing in.

## It's All Downhill After Issue 42

I just wanted to sincerely thank *Jacobin* for your “The Working Class” edition. It was refreshing in the sense that it combined a necessary orthodoxy about reclaiming “the working-class subject,” as we used to say in my day, with the usual bit of intellectual eclecticism that I expect from *Jacobin*.

I also appreciated the number of working-class voices — from a line cook in St. Louis to a New England Amazon worker to low-wage workers across the United States and China — that were foregrounded.

That's it — no complaints, for now.

— Lesley Bailey, Saratoga Springs, NY

## The Captain Deserves Respect

As a somewhat elderly (or maybe more than “somewhat elderly”) person, I was thrilled to see that *Jacobin* had published another online editorial by Kareem Abdul-Jabbar this summer. In my book, he's second only to Michael Jordan in the list of basketball greats, and he's by far the sharpest intellectual and political mind we have in sports.

And then I actually read the piece . . . Okay, the content was basically fine, but there was an extremely bizarre shot at New York Knicks legend Willis Reed. (“We had expected to play the Knicks, which I was hoping for because I knew Willis Reed wouldn't have a chance of containing me.”) From social media, I know that the publisher of *Jacobin* and its creative director are big Knicks fans and that the publication is New York-based, so I'm just wondering how that got through the editing process.

Seriously, I want names. It wasn't even relevant to the argument that Mr Abdul-Jabbar was making. Let's have a proper accountability process.

— Isaac Pfeifer, Fort Lee, NJ



# Internet Speaks

---

## Working through your issues in the comments section.

### Why Did Jeff Bezos Decide to Get Divorced?

'Cause he found out marriage is a union.

— David Nam, Amaranth, Ontario

### If This Happens, We Demand Royalties

Somewhere, some tech bro is thinking of an app that can charge you for sitting in a public park.

— Kathryn Garcia, New York, NY

### If You Have to Ride Uber as a Socialist

Five-star rating, every time. No snitching.

— Jonathan Cobb, Portland, OR

### Chill, Bro, and Listen to That Good Shit

I like *Jacobin*. But Belle and Sebastian is horrible bougie music for people born in 1990. It's the aesthetic of people who went to soccer practice and yelled at their parents for stuff and got their

hand held to college and then got sad about boring stuff. And now they're thirty, and their life sucks. Belle and Sebastian is like . . . music for people who really had opportunities in life but just blew it. Belle and Sebastian is the sound of suburban mediocrity but done poorly. Belle and Sebastian is what #ImWithHer sounds like spoken over Karl Marx's grave. Belle and Sebastian made trite capitalist conceptions of being deep via stewing in depression cool to people who spent too much time on Myspace. No thanks, *Jacobin*.

— Brian Moen, Boston, MA

### For It Is in Giving That We Receive

At a buffet, I personally sneak corn dogs into the buffet so others can enjoy them. I hide six corn dogs in my jacket pockets. It then is a joy for me to see other patrons of the establishment eat my corn dogs, thinking they were part of the buffet.

— Ryan Coomer, Sizzler Family Restaurants USA

# A Death Sentence for Disorderly Conduct

The story of Shali Tilson, a 22-year-old who died from dehydration at a jail in Georgia.



It took a little more than a week after his arrest for twenty-two-year-old Shali Tilson to be pronounced dead at the Rockdale County Jail in Conyers, Georgia, about a thirty-minute drive east of Atlanta. The cause of death: dehydration.

“Shali didn’t break any laws. He didn’t hurt anyone. He didn’t steal anything,” says Tynesha, his grieving mother.

Shali was studying criminal justice at Community College of Rhode Island and working at the statehouse. However, after his father suffered a stroke, he returned to his family’s home

in Rockdale County in September 2017 to help care for him.

“I think it really upset Shali, because he never saw his father in that state before, and he felt like he needed to be here to help him recuperate,” Tynesha tells me, her voice cracking. “He didn’t think twice about it. He left his school and his job. He gave up a lot to come back and help his family.”

Shali, along with his sister, took responsibility for the family’s bills so that Tynesha could leave her work and stay at home with Shali’s father full-time. “Shali went to physical therapy with his father. He helped his father walk up and

down the driveway. He was a big part of his father’s recovery.”

“He was very selfless,” she adds. “He put everyone’s needs before his own.” Tynesha describes Shali as funny, friendly, loving, and driven. “He was hardworking and motivated. Whatever he was going to do, he would do it. In his twenty-two years of being on this earth, if he didn’t do it, then he was in the process of getting it done.”

The pressures of seeing his father in a vulnerable state began to weigh on Shali, who suffered from bipolar disorder and schizophrenia. In Rhode Island, he was able to

manage some of his mental health issues with diet, exercise, and medical marijuana — preferring this regimen to the adverse side effects of prescription medication.

In Georgia, however, access to medical marijuana is limited; Shali was forced to juggle the emotional turmoil of seeing his father suffering at the same time that he lost access to the medicine he depended on to stabilize his mental state.

“We saw the toll it was taking on his mental health, seeing his father in that state. He couldn’t communicate with his father like he used to. He didn’t know how to handle that. It was overwhelming for him,” Tynesha explains.

### A Death Sentence

On the morning of March 3, 2018, Shali suffered a serious mental health episode and wandered to the family’s still-vacant former apartment, which they had moved out of a few months earlier, and began slamming on the door. The owner of the property, located just down the street from their current home, called the police on Shali, assuming he was intoxicated.

According to a civil rights lawsuit the family has lodged against detention officials at the jail, when the police arrived, it was “apparent that [Shali] was in the midst of a mental health crisis,” and that prior to and during his arrest, the young man “yelled words and phrases that revealed that his mental state was completely detached from reality.”

Shali was arrested, transported to the Rockdale County Jail, and

charged with disorderly conduct and obstruction of justice, both misdemeanors. Shali’s bond was set at \$6,000 — \$850 of which the family was expected to pay. But they could not afford it.

“I felt panicked,” Tynesha recounts. Despite the family calling several times to request a visit with their son, they were told each time that Shali was not permitted to see visitors.

On March 9, Tynesha and her husband went to the jail to demand a visitation. They were told by one of the deputies that Shali was under medical supervision due to his erratic behavior. They were assured, however, that Shali was safe.

The family was told they could return on March 12 for a visit. But when Shali’s sister arrived at the jail that day, she was again turned away. Just a few hours later, Shali was found dead in a five-by-ten-foot isolation cell — surrounded by trash, food, feces, and urine.

According to the family’s civil suit, when Shali arrived at the jail, he “remained in an obvious state of extreme mental distress”; an officer punched him and forcibly placed Shali into a restraint chair. The detention officers used force against Shali on numerous occasions, the suit says. Shali acted in an “erratic and unpredictable — but not violent — manner” that was “a clear manifestation of his psychosis,” while repeatedly requesting medical attention.

After about three days, Shali was transferred to isolation in a padded cell and placed on suicide watch, in which the jail’s staff was

expected to check on him every fifteen minutes. The cell he was locked inside had no furniture, no bed, no sink or other source of water, and no toilet — only a hole in the floor covered by a metal grate for urination and defecation.

Shali remained in isolation for the next seven days — and died there. According to an autopsy conducted by the Georgia Bureau of Investigation (GBI), Shali died from blood clots that formed in his lungs owing to severe dehydration. He had also experienced a traumatic brain injury, but the autopsy could not conclude how that injury was sustained.

Mawuli Davis, a civil rights attorney who has taken up Shali’s case, tells me that Shali was left without water for at least three days. According to the civil suit, the jail’s deputies observed Shali kicking and banging on the door, throwing himself against the door and wall, crying out for help, and asking for water in the days leading up to his death — even noting these observations in their end-of-shift logs.

According to a grand jury presentment, which was released after a monthslong investigation into Shali’s death, the Rockdale County Jail did not preserve the video recordings inside and around Shali’s cell from March 9 through the early afternoon of March 12, despite Georgia mandating that visual recordings in a jail setting be retained for at least 180 days. The grand jury was forced to rely on witness testimonies for this period of time, which they had no ability to confirm.



Two of the jail staff stated that they had provided Shali with a cup of water and Gatorade on the day of his death but were not sure he drank them. The grand jury discovered that Sergeant Dan Lang, the supervisor at the time of Shali's death, had falsified and backfilled the fifteen-minute suicide watch logs that morning, when in reality he had ignored Shali for hours before he was found dead.

The grand jury was able to watch time-stamped visual recordings of the inside of Shali's cell beginning at 4 P.M. on March 12. It was 8:32 P.M. when Shali's body was finally discovered.

In the footage, Shali, who is naked and surrounded by trash and food, can be seen jumping up and down, frantically slamming on the door and pressing an emergency button that inmates can use to call for medical help, which was not working at the time.

Shali then collapses and slumps over in the corner of the cell. The video shows his head dropping to his chest as he loses consciousness. About three hours pass before the cell door is opened and Lang finally checks on Shali, who is unresponsive. A nurse then arrives on the scene but makes no attempts to revive him.

Shali's family was informed the following day. "My son received a death sentence for disorderly conduct," Tynesha says, as tears well up in her eyes. "He got a death sentence for knocking on the wrong door."

### **Torture Chamber**

Shali's body had begun to grow stiff with the onset of rigor mortis by the time he was found. According to the grand jury presentment, a detainee who was being held in a cell nearby testified that he heard Shali screaming "help me," and "why y'all doing me like this," and "I don't want

to die like this," shortly before he succumbed to dehydration.

The fellow detainee mentioned, however, that Shali had been yelling similar statements throughout the week he was in the padded isolation cell. A medical expert and former director and chief medical examiner for the GBI noted in his testimony to the grand jury that the blood clots in Shali's lungs would have begun to accumulate six to twelve hours before his death.

Shali would have begun to "experience low blood pressure and his heart rate would have been fast." He also would have had "dry mouth, possibly sunken eyes and would have been lethargic and confused," the expert said. "If medical personnel had been checking skin turgor or taking vital signs, the dehydration would have been easily discernible near the time of Tilson's death."

According to Davis, detention officers did not once open the door to Shali's cell during the week he was put into isolation — only peeking through the cell door's window to observe him. The jail's staff claims they were not aware that Shali was in physical distress.

"They never opened the door," Davis tells me. "They didn't realize he was in distress because they did not care for him or check on him. They never opened that door until he was already dead.

"He was never taken for a shower. He was not allowed to go to the bathroom. The lights were not dimmed, and he could not sleep. He could not access water on his own," he adds. "He was in distress



within hours after they put him in there because the whole situation is like a torture chamber.”

The grand jury investigation concluded that the jail’s administration “failed to live up to [its] responsibility [of ensuring Shali’s] ... safety and well-being” and that this played a “significant role in failing to prevent [his] death.”

Despite this, however, the grand jury did “not find evidence that any person criminally or intentionally caused the death of Shali Tilson” or that any “person or persons ... intentionally withheld water” from him or “consciously ignored signs that he was suffering from physical distress and/or dehydration.” The grand jury pointed to a lack of adequate training of staff as a cause of the deadly neglect and mistreatment Shali faced in the Rockdale County Jail.

“I’m so tired of hearing that these people need more training,” Tynesha says, her voice rising sharply. “Shali was in that jail for nine days. You have medical staff and deputies at the jail, and three different shifts of people — and not one of those people noticed that Shali was severely

dehydrated and dying in front of their eyes?”

“It doesn’t take a rocket scientist to have basic common sense,” she adds. “I’m not a medical professional, but I can tell when someone needs help and when someone is not well. Shali lost twenty pounds over those nine days he was in jail. When you’re severely dehydrated, your skin doesn’t look the same. Your eyes don’t look the same. Your organs are shutting down. You’re not the same person.

“They treated him worse than an animal. How are you going to train someone to see other people as human beings? How does that work?”

Despite the family’s civil lawsuit against detention officials at Rockdale County Jail, no one has been held responsible for Shali’s death.

Lang had been transferred to the jail division several months before Shali’s death, while criminal charges were pending over suspicions that he stole \$40,000 in cash and guns from the evidence unit and sold them at local pawnshops. Lang then

resigned in April 2018, just a few weeks after Shali was found dead. The GBI arrested him in September over multiple charges of theft. “If he wasn’t qualified to be responsible for property, why would you put him over someone’s life? It makes no sense,” Davis says. “It speaks to the jail’s lack of institutional control and total disregard for the sacredness of human life.”

### Fiefdom Mentality

No official statistics are made public on the number of deaths inside the thousands of jails scattered across the United States, where about 10.6 million Americans are funneled each year. Most of those in jail have not been convicted of a crime and will be released once they pay bail — or, for those who are too poor, like Shali’s family, they will remain in pretrial detention until their case is concluded.

A 2020 *Reuters* investigation documented 7,571 inmate deaths in more than 500 US jails from 2008 to 2019, a number that rose 25 percent over the last decade. At least two-thirds of the inmates who died in these jails were never

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**“My son received a death sentence for disorderly conduct,” Tynesha says, as tears well up in her eyes. “He got a death sentence for knocking on the wrong door.”**

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convicted of the charges on which they were being held.

According to Atteeyah Hollie, senior attorney at the Southern Center for Human Rights, jails are a “catchall” for the most vulnerable sectors of the American population, such as those suffering from mental illness, poverty, homelessness, or substance abuse issues. Everything from a minor traffic violation, which left Sandra Bland hanged in a jail cell in Texas in 2015, to asking for money on the street can put someone behind bars in the United States.

“We have people coming into jails with a host of issues in the exact moment when they are the most vulnerable and in the height of crisis,” Hollie says. “They need the most help, and they need interventions, but too often they enter jail cells or cages, where that help is not being provided.

“What we see a lot, with people with mental health issues, is that they are further punished in jails by being put into solitary confinement,” Hollie adds. “They are put in cells that, by design, deprive them of all

sensory stimulation and do nothing but inflict more harm on them. Having a psychiatric disability adds to the penalty of this whole system.”

Jails are run by elected sheriffs who have “outsize power,” Hollie says. The dramatic power disparity between sheriffs and inmates creates ample opportunities for a “fiefdom mentality” among sheriffs in US jails who abuse their power.

Since Shali’s death, three other inmates at the Rockdale County Jail have died in custody — one from alleged suicide, one from medical complications, and one who was found unresponsive in her cell less than forty-eight hours after her arrest.

The practice of outsourcing medical care to for-profit companies has added to the rising death toll. *Reuters’s* investigation revealed that more than 60 percent of America’s top jails now hire private companies to administer medical care to inmates. They also found that, from 2016 to 2018, the jails relying on the five leading health

care contractors had higher death rates than facilities where medical services are run by government agencies.

The Tilson family’s civil suit names Wellpath LLC, a private company that was contracted to provide medical and mental health services to Rockdale County Jail, as being partly responsible for Shali’s death.

“These companies’ primary motive is to raise profits,” Hollie explains. “And the way they do that is by spending as little money as possible. So, when you have a situation where you have people who are in the most need of help being put in the care of a company trying to spend as little money as possible, then you have this potentially deadly situation where people are not getting the care they need and losing their lives because of that.”

Tynesha, meanwhile, has continued to fight for justice years after her son’s death. “I’m still here, begging for justice for my son,” she says. “We have two dogs, and if I starved them and left them severely dehydrated, I would have been slapped with a felony charge and thrown in jail three years ago.

“But they have a badge that allows them to take human life and get away with it. And I’m tired of it. I’m so tired of seeing these families in Georgia that are suffering the same grief as I am — so I’m going to keep speaking up until I get justice for Shali. And if I don’t get justice for my son, maybe somebody else in this fight will.” ■

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**“They treated him worse than an animal. How are you going to train someone to see other people as human beings? How does that work?”**

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# It's Not Just the Drug War

The prison reforms on the table are unlikely to make even a dent in the forces that keep millions behind bars.

When it comes to uniquely American nightmares, it's hard to beat our carceral state. Living in a country with 5 percent of the world's population and 25 percent of the world's prisoners, many are aware of the human rights catastrophe taking place around them. But when it comes to what's actually driving this, the explanatory power of standard progressive narratives falls short.

One of the most shocking statistics in your 2016 book *Caught: The Prison State and the Lockdown of American Politics* is that simply rolling back punishments for violent

offenses to their 1984 levels in 2004 would have done more to lower the incarceration rate — resulting in a cut in state prison rates of 30 percent — than simply ending the drug war.

The intense focus in criminal justice reform today on people convicted of nonserious, nonviolent, nonsexual offenses — the so-called non, non, nons — is troubling. Many contend that we should lighten up on the sanctions for the non, non, nons so that we can throw the book at the *really* bad guys. But the fact is that we've been throwing the book at the really bad guys for a really long time.

Legislators are making troubling compromises in which they are decreasing penalties in one area — such as drug crimes — in order to *increase* them in another area — such as expanding the use of life sentences. In doing so, they're also fostering the mistaken idea that it is easy to distinguish the non, non, nons from the really bad guys.

You have a lot of praise for Michelle Alexander's book, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, but you're critical about how it frames the carceral state as a "racial caste system." And yet there are an extraordinary number of incarcerated black Americans in this country, and an extraordinarily high incarceration rate compared to whites.

The African American incarceration rate of about 3,000 per 100,000 people is clearly off the charts and a shocking figure. Focusing so intently on these racial disparities often obscures the fact that the incarceration rates for other groups in the United States, including white people and Latinos, are also very high — just not astronomically high, as in the case of African Americans.

The white incarceration rate in the United States is about 600 per 100,000 — for a black-to-white ratio of about five to one. This is about four to fifteen times the national incarceration rates for Japan and the countries of Western Europe.

Even if you released every African American from US prisons

STATES IS ABOUT FOUR TO FIFTEEN TIMES THE NATIONAL INCARCERATION RATES FOR JAPAN AND THE COUNTRIES OF WESTERN EUROPE.

## THE WHITE INCARCERATION RATE ALONE IN THE UNITED

and jails today, we'd still have a mass incarceration crisis in this country. I do not mean to minimize the enormity of the problem of the carceral state for African Americans, but rather to make a larger point about how we need to think about racial disparities and criminal justice in a more nuanced way and in a wider context. Doing so is essential to forging a successful multiracial, multiethnic coalition to dismantle the carceral state.

**Another of your points of disagreement with many liberals writing on the buildup of our carceral state is their suggestion that the drug war is the primary driver of this nightmare.**

If we released everyone now serving time in state prisons whose primary charge is a drug offense, we would reduce the state prison population by only 20 percent.

The overwhelming majority of people in prison are not there because of a drug offense. And even many of the people who are serving time primarily for a drug charge have other kinds of offenses on their records.

**So, if it's not the drug war, then what's driving this?**

There are proximate causes, and then there are the deeper underlying causes. I am not saying the "war on drugs" was insignificant. It was an important proximate cause of the explosion in the prison population.

Another important factor was how, beginning in the 1970s, police, prosecutors, judges, and parole boards read the political tea leaves and started to exert their enormous discretion in a more punitive way. In the 1980s and 1990s, legislators began piling on tougher sanctions across the board. These included not only stiffer punishments for drug offenses but also the proliferation of mandatory minimums, three-strikes laws, truth-in-sentencing legislation, draconian measures for sex offenses, mandatory sentencing guidelines, and life sentences.

The United States did not just toughen up drug penalties. It toughened up all kinds of penalties for all kinds of offenses.

**How about the underlying causes?**

The underlying drivers of the carceral state are more complex. The United States has politicized and racialized issues of crime and punishment in ways that other countries have not. Why? No single factor is to blame. Several factors came together to create the perfect storm.

The enormous social and political unrest of the 1960s took shape amid a crime shock, as the national homicide rate doubled between the mid-1960s and early 1970s. At the same time, violence became far more geographically concentrated in poor urban areas with high numbers of African Americans.

The lack of a consensus on what caused the alarming increase in violent crime opened up enormous space to redefine the "law-and-order" problem and its solutions. Foes of civil rights increasingly sought to associate concerns about crime with anxieties about racial disorder, the transformation of the racial status quo, and wider political turmoil, including the wave of urban unrest and riots and the huge demonstrations against the Vietnam War that gripped the country in the 1960s and 1970s.

The US carceral state was forged not only by developments at home but also by the expanding global role of the United States. Several recent books have been excavating the diabolical reciprocal relationship between constructing an empire abroad and building the carceral state back home.

As Stuart Schrader masterfully shows in *Badges Without Borders*:



*How Global Counterinsurgency Transformed American Policing*, US efforts to create an empire of police officers overseas after World War II had important boomerang effects on the development of local police departments back home. It further enhanced their political autonomy while supercharging them with military gear and training. In *The Punitive Turn in American Life: How the United States Learned to Fight Crime Like a War*, Michael Sherry artfully traces the blowback effects of the US war in Vietnam on the buildup of the carceral state back in the United States.

**Why didn't the two major political parties face more political resistance from African Americans and other groups as they pursued an unprecedented expansion of the law enforcement apparatus?**

As Michelle Alexander pointedly notes, leading black politicians, public figures, and advocacy

groups have been largely unwilling — until recently — to address the issue of mass incarceration. She attributes their silence to the challenges of shoehorning the problem of mass incarceration into the traditional civil rights framework, especially in this era of colorblind racism. But deeper factors are also critical in explaining why they have not been more strident critics of the carceral state, including rising economic inequality among African Americans and the emergence of “post-racial” African American leaders like Barack Obama. As I explain in my 2006 book, *The Prison and the Gallows: The Politics of Mass Incarceration in America*, some key social movements and liberal interest groups, including the victims’ rights movement, women’s movement, prisoners’ rights movement, and the anti-death penalty movement, developed in ways that reinforced the punitive turn in penal policy.

*Caught* focuses more intently on the role of black leaders, politicians, and advocacy groups. Although they were clearly not the main instigators of the punitive turn, their actions contributed to the consolidation of the carceral state, in many cases unwittingly.

**How much do changes in the US political economy dating back to the 1970s help to explain the growth of the carceral state?**

There’s a common argument that deindustrialization built the carceral state. That argument cuts one of two ways.

The first is that as people, especially African Americans, lost out through deindustrialization, they turned to crime.

The other is that the unemployed and dispossessed were not actually committing more crime. But with deindustrialization, public fears of a lumpen underclass threatening the majority escalated, partly because politicians stoked these fears for electoral reasons. This fueled the tough-on-crime stance — which became tough on African Americans in particular, thanks to the long-standing history of the racialization of crime in the United States for political purposes.

What I argue in *Caught* is that we had a failure to incorporate African Americans into cities in a meaningful way that predates the rise of mass incarceration. African American men were migrating to Northern urban areas at a moment when Jim Crow was still quite entrenched in the North and the South, and deindustrialization was

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20%

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already underway. So this idea that African Americans moved North, got good factory jobs, had middle-class lives, and then faced deindustrialization gets the timing a bit wrong.

It also obfuscates the fact that one of the most important things that helped to incorporate African Americans during this period was the expansion of the public sector, which created many jobs for them.

**How much of the rise of the carceral state do you attribute to the weakness of our welfare state compared with other countries?**

The US states that have experienced a decrease in spending on welfare per capita have tended to experience an increase in spending on prisons. We know that countries that have weaker welfare states tend to have higher incarceration rates and higher crime rates. Countries that have gaping income inequalities generally have higher violent crime rates and often higher incarceration rates.

**What about the role of private-sector interests in the construction of the carceral state?**

We need to get away from a simpleminded, left-leaning approach to understanding mass incarceration that blames it all on economic interests and the prison-industrial complex. That said, what built the carceral state is not the same thing that now sustains it. The prison-industrial complex and economic interests were not the primary driving forces behind the construction of the carceral state, but they do much to sustain it today.

The biggest private-sector prison companies, notably the GEO Group and CoreCivic, formerly the Corrections Corporation of America, have become very nimble political actors. They have been repositioning themselves to adapt to a new political climate in which calls for criminal justice reform are escalating.

They view the criminalization of immigration enforcement as a new frontier to make money and

repurpose excess jail and prison beds. They increasingly talk about the need to invest more in the “corrections lifecycle” — that is, to privatize not just jails and prisons but also to expand and privatize probation, parole, electronic monitoring, and drug testing.

**You mention that another big engine of the carceral state buildup is the war on people accused of sex offenses. In *Caught*, you note that, from 1996 to 2010, the number of people serving time at the federal level for drug convictions went up 80 percent, but those serving time for sexually explicit materials went up sixtyfold.**

People charged with sex offenses are one of the most rapidly increasing segments of the US prison population. Politicians and the general public often talk about these people as deviant pathological beasts. They don’t acknowledge that “sex offenses” is a very capacious category, including everything from urinating in public to consensual

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underage sex to flashing to child pornography to raping and murdering a child.

#### **How do other countries address this?**

Other Western countries have not established extensive civil commitment systems that continue to lock up people convicted of sex offenses long after they have completed their sentences — in some cases for life. They do not impose onerous residential, registration, and community notification requirements. They do not require people convicted of sex offenses to be listed in public databases accessible to anyone with an internet connection.

The evidence is thin or nonexistent that such measures seriously reduce the incidence of sex offenses.

**You mention the uncomfortable fact that states that are less punitive are more likely to have greater racial disparities in their inmate populations.**

This is a controversial and tough issue that has to be faced. Many people, including many progressives, have set reducing the racial disparities in prisons and jails as a major goal. The aim is to incarcerate black and white people at more comparable rates. How might that come about?

Let's look at the South. Southern states actually have some of the nation's lowest black-white disparities in their state prisons — much lower than many states in the Northeast. For example, African Americans

are about twelve times more likely than white people to be confined in state prisons in New Jersey, giving the Garden State one of the country's highest black-white disparities in imprisonment. But New Jersey also has one of the lowest incarceration rates in the country. So, overall, African Americans are less likely to be sent to prison in New Jersey than in much of the South, which is a more equal-opportunity incarcerator.

If we reserve prisons for people who've committed the most serious crimes that pose major threats to public safety, we're probably going to have fewer African Americans overall in prison — but higher racial disparities in the prison population.

Why? Because even though the rate of violent crime has been falling for African Americans while rising for white people, African Americans still disproportionately commit more serious crimes like homicide, robbery, and aggravated assault. The reasons why are structural factors like poverty, joblessness, decaying urban neighborhoods, poor housing stock, and extensive segregation by class and race, which are often difficult to disentangle.

**One statistic from your book that really shocked me was that, with 5 percent of the world's population and one-quarter of the world's prison population, we have one-third of the world's female prisoners.**

Incarceration rates have increased much faster for women than for

men. Leaving aside Thailand, El Salvador, and the United States itself, the forty-seven jurisdictions in the world with the highest rates of incarcerating women are individual American states. While the number of men incarcerated in US prisons has inched downward over the past two decades or so, the number of women has continued to climb. This ongoing growth obscures some important shifts. Imprisonment rates for black and white women have converged sharply. The racial gap has fallen from about six to one in 2000 to about two to one today for black and white women, as incarceration rates for black women have fallen with shifts in the war on drugs. In recent years, the number of women imprisoned for violent offenses and property offenses has increased substantially, especially for white and Hispanic women. The rising rates of contact with the criminal justice system for low-income white women are likely a consequence of the recent sharp deterioration in their health and social conditions.

**You mention in the book that receiving a life sentence in the United States used to mean something far less severe.**

More than two hundred thousand people are currently serving life sentences in the United States. That's more than four times as many people as the total prison population of Japan, a country of 126 million people. Life sentences used to be an extremely rare penalty. For those who did receive one, "life" seldom meant the rest of their life because of the



MORE THAN 200,000 PEOPLE ARE CURRENTLY SERVING LIFE

SENTENCES IN THE UNITED STATES.

THAT'S MORE THAN FOUR TIMES AS MANY PEOPLE AS THE TOTAL PRISON POPULATION OF JAPAN.

widespread use of executive clemency. The general practice was that, if you behaved yourself and kept your head low, and if the warden felt okay about you, you would receive clemency. A life sentence typically meant, on average, spending about fifteen years in prison.

Today, commutations and pardons are rare events. Governors typically use their powers of executive clemency in cases of some widely perceived travesty of justice.

**I'm guessing you're very pessimistic about ongoing bipartisan moves – often couched in efforts to save money – to roll back the carceral state.**

Yes. Faced with powerful interests that profit politically and economically from mass imprisonment, many states have been making largely symbolic cuts that do not significantly reduce the incarcerated population or save much money.

But they do render life in prison and life after prison leaner and meaner. Homicides, assaults,

and other acts of violence are on the rise in federal and state prisons, as well as county jails, as staff positions go unfilled and programming is curtailed due to budget cuts and the lethal impact of COVID-19.

Casting the problem of the carceral state as largely a budget deficit issue helps to legitimize a race to the bottom in penal conditions. For years now, the United States has been distinct not only because it holds so many people under lock and key but also because the conditions in its prisons and jails are so degrading and dehumanizing compared to other Western countries.

If you truly care about keeping people out of jail and prison, there's no public policy that you should support more strongly than Medicaid expansion and, of course, universal health care. Yet the Republican Party has been waging a war against the Affordable Care Act, including its provision for Medicaid expansion, for more than a decade now. Medicaid expansion provides states with huge infusions of federal money to expand mental

health services, substance abuse treatment, and medical care, all of which help to keep people out of prison.

**So you're saying that, even with our massive carceral state, we have a lot more room budgetwise to lock up a lot more people.**

We do. Framing the carceral state primarily as an economic issue may yield some short-term benefits. But in the absence of more compelling arguments against the prison buildup, it becomes that much easier to revert to funding a vast carceral state, no questions asked, once the economy picks up.

**What are some immediate policies that an effective political movement could implement that would roll this back substantially?**

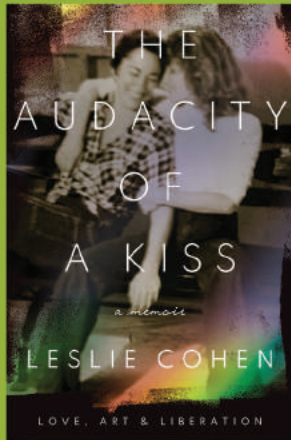
We need comprehensive sentencing reform, and not just for drug crimes. We need to roll back these very punitive sentences for people who've committed some pretty serious crimes — like homicide.

We should abolish life in prison without the possibility of parole. This is a nearly unheard-of sentence in Europe. Everyone serving time should be entitled to a meaningful parole review.

More generally, as a rule of thumb, we should oppose so-called reforms that are actually powerful adjuncts to the carceral state. ■



# BOLD Ideas, ESSENTIAL Reading



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—Gloria Steinem

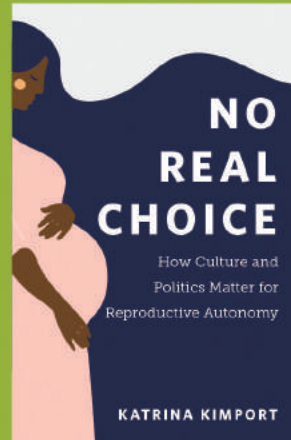
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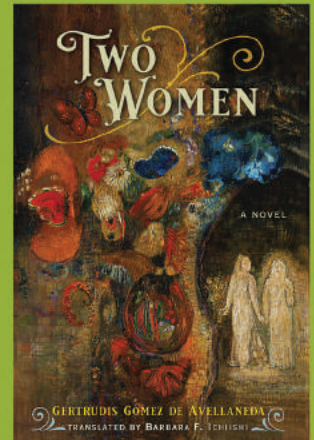
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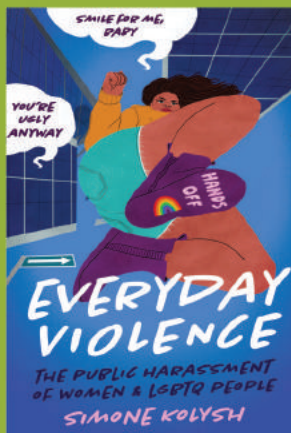
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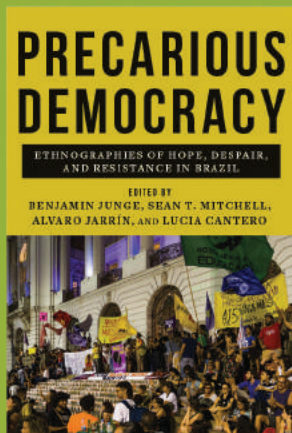
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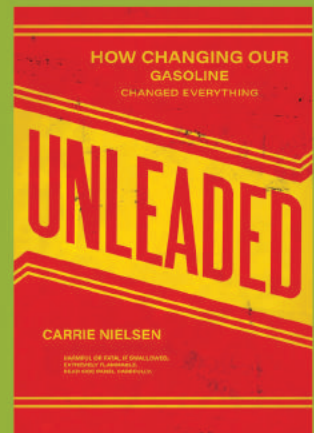
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Afeni Shakur  
Took on the State and Won

Tashan  
Reed

# A F E N I

Pregnant and facing decades in prison, the mother of Tupac Shakur fought for her life — and triumphed — in the trial of the Panther 21.

**A**feni Shakur is ready to fight. She's already spent eleven months in the Women's House of Detention and, although she's out on bail, she is not free. It's September 8, 1970, and she's waiting inside the New York County Criminal Court in Manhattan. Seventeen months ago, she was indicted on charges including attempted murder, conspiracy to commit murder, and conspiracy to bomb buildings. A conviction threatens to send her behind bars for the remainder of her life.

And, to add to her troubles, she is pregnant with her first child — a boy.

To the jury who will decide her fate, Afeni looks like any other young member of the Black Panther Party — an average-size, dark-skinned, short-haired, twenty-three-year-old black woman. A group about whom the media had spent years conjuring up scare stories at this point.

Soon, she will stand before a white judge and face an all-white prosecution as the government of the country



she lives in actively works to eradicate the organization she's a part of, as they have effectively done with most of those they've deemed a credible threat.

However, Afeni can't afford for her mind to be frazzled by her circumstances. She's about to defend herself in the trial without the aid of a lawyer — a decision widely viewed as suicidal.

Afeni is not alone. In *The People of the State of New York v. Lumumba Shakur et al.*, there are twelve other defendants, all part of the "Panther 21," who on April 2, 1969, were arrested and indicted on charges of attempted murder, arson, and bombing.

But proving Afeni's innocence and earning her freedom is now her responsibility alone. If she's found guilty, the penalty is a 350-year sentence. She has no experience in court, no legal background whatsoever.

"We didn't know what we were dealing with," Shakur said, looking back. "We were in over our heads." And if she fails, her life — and her unborn child's — is effectively over.

# SHAKUR



Afeni Shakur with fellow Panther 21 member Richard Moore on September 10, 1970.

**B**oth violently and nonviolently, in her time as a Panther and afterward, as an activist, Afeni Shakur sought to tear down the system of oppression that she had been born into. But ultimately, she believed that the Black Panther Party, and she herself, failed.

"Instead, we turned against God, and how you gonna win like that? You have to have a moral imperative to win," Afeni said. "We didn't understand that. We drew violence to ourselves. We drew bitterness to ourselves."

But in this early life-and-death fight, Afeni unquestionably won. She would be jailed again, make bail again, and thrive as her own *de facto* lawyer, playing a key role in the acquittal of the Panther 21 on all charges in May 1971. A month later, she gave birth to her son.

She would watch him grow into a man who brought her values to a global audience, becoming one of the most famous and beloved black men in the world — only to

see him die of gunshot wounds at the age of twenty-five, the same violence she saw break the Panthers taking the life of her firstborn child.

Afeni, who passed away in 2016, had a life filled with troubles. She became addicted to drugs shortly after winning her freedom, and it forever strained her relationship with her son, who became distant as his music career took off, as well as with her daughter, Sekyiwa. She was impulsive and selfish at times. She could be stubborn, and she had a temper.

At no point, though, did she forget her people and her fight. Like many black women born in the South decades before Jim Crow's defeat, she was born into struggle and violence. The world, it seems, wanted to break her into a million pieces.

But again and again, up until her death at the age of sixty-nine, Afeni triumphed over them all.



**A**feni was born Alice Faye Williams in Lumberton, North Carolina, in 1947. Her mother, Rosa Belle, took care of the household while her father, Walter Williams Jr, worked as a truck driver. Shakur described her father as a “street nigga” who beat her mother frequently.

“Here I was ... this bright little girl who wanted so much for her father to find her special and wonderful, and he never did,” Afeni said. “I needed a father who was there. I needed a father who was not a threat to my mom.”

Rosa, who was from Lumberton but had moved to Norfolk for her family, managed to put up with Williams’s domestic abuse for years. Eventually, though, she broke down and called her brother to come and help her and her two daughters move first back to Lumberton in 1958 and then to the Bronx.

In New York, Afeni was free from her father, but she was still haunted by the memories of his abuse. “For most of my life I have been angry. I thought my mama was weak and my daddy was a dog,” she said. “That anger fed me for many years.” In the Bronx, she got into fights with boys and girls alike at school and in her neighborhood. “Everything around me seemed hurtful,” Afeni said. “We had no protection. I never felt safe.”

Despite her festering rage, Afeni performed well in school. Her test scores got her into the Bronx High School of Science, but she became more interested in the streets and joined the Disciple Debs, a women’s gang in Harlem. “All I wanted was protection,” Afeni said. “That’s all every woman wants. To feel secure.”

She finally found that protection in 1968. While walking down 125th Street that year, she noticed a man standing on a corner and speaking in front of a crowd. It was Black Panther Party cofounder Bobby Seale. The crowd drew her attention, but what made her stop was Seale’s words.

“He was just saying that we could all do something about the police who were in our community,” Afeni said in a 1972 interview. “I just joined [that August] totally freaked out that some young people would have the heart to go to a state legislature with guns and just stand there and say, ‘Get your hands off my gun!’ It was probably the glamour and romanticism that brought me into the party.”

Through the Panthers, she soon met and fell in love with Lumumba Shakur, the leader of the Harlem chapter. With the charismatic and intelligent Lumumba, Afeni seemingly found the security she’d been looking for all those years. “When I met Lumumba’s family, my entire view of men and family was shaken up,” she said. “The Shakur family was not only strong, but they were independent thinkers.”

It was a whirlwind romance, and the two were married shortly after, with Afeni even converting to Islam. She was assigned the orisha Oya, who is the Yoruba deity of weather, death, and rebirth, and given the name Afeni, which means “dear one” and “lover of the people,” in 1968.

But when it came to the logistics of Afeni’s relationship with Lumumba, the circumstances were awkward, to say the least. He already had a wife, and the trio lived together for a period while Lumumba bounced back and forth romantically between the two women.

Meanwhile, Afeni threw herself into work with the Panthers. It was the antidote to the violence and hardships of her youth and the beginning of a healing process, not only for her but for an entire generation of black men and women who suddenly, in young adulthood, found themselves taking on institutional racism.

She wrote their newsletter, became a section leader of the Harlem chapter, and did extensive volunteer work at places such as Lincoln Hospital, all while making ends meet as a schoolteacher. Through the party, she was able to not only take her pent-up rage from earlier in life and channel it outward toward her oppressors but also improve as an individual — a story common for many members, who found in the Panthers a kind of spiritual rebirth.

“They educated my mind and gave me direction,” Afeni said. “With that direction came hope, and I loved them for giving me that. Because I never had hope in my life. I never dreamed of a better place or hoped for a better world for my mama, and my sister, and me.”

But in the Panthers, the police and FBI saw something else altogether: a mortal threat taking shape in America’s own cities. And one with willingness to use, if necessary, violent means to achieve revolutionary ends.

Between 1967 and early 1969, the party was involved in several altercations with police, including arguments, protests, shootings, bombings, and raids that led to damages, injuries, and deaths. Their socialist ideology



and advocacy of armed self-defense was deemed to be an existential threat. FBI director J. Edgar Hoover is said to have declared that “the Black Panther Party, without question, represents the greatest threat to internal security of the country.”

Those words weren’t idle. California governor Ronald Reagan signed the Mulford Act, repealing an earlier law that allowed citizens to carry loaded firearms, as an explicit measure to crack down on the Panthers. But it was just the beginning. By the late 1960s, the Panthers were a prime target of the FBI’s COINTELPRO program, designed to infiltrate and discredit the Panthers and other radical left groups. On December 4, 1969, the deputy chairman of the Panthers, Fred Hampton, was murdered by Chicago police along with Mark Clark in a predawn raid, having been drugged earlier by an FBI informant to ensure he wouldn’t escape.

The US state was now gunning for the Black Panthers, ready to unleash whatever violence was necessary to stop them. What had given Afeni hope and drawn her into their world would soon fill her with a greater sense of fear than she had ever known.

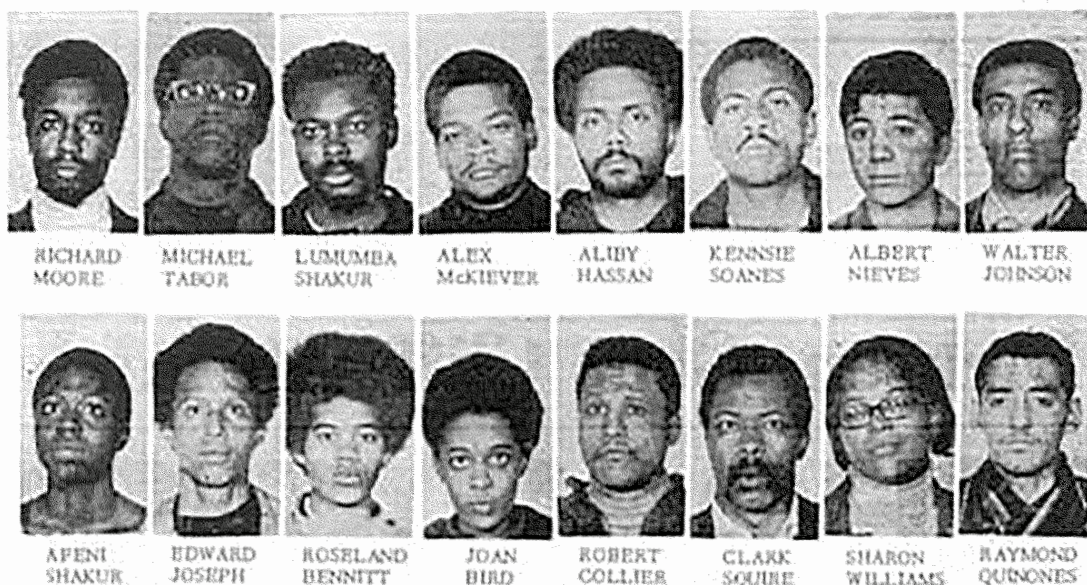
**E**arly on, Afeni knew something was deeply wrong.

It was Yedwa Sudan, a fellow member of the Harlem chapter. Something about him was just *off*, and she could feel it. He was aggressive and short-tempered. He eagerly and carelessly talked about committing acts of violence directed toward police in a more brazen manner than even the aggressively militant Panthers were accustomed to.

Afeni told Lumumba about her suspicions that Yedwa was not who he said he was — perhaps he was even an undercover cop.

“Man, he couldn’t be a cop,” Lumumba later told one of the attorneys. “You should have seen the shit he did.”

To Afeni, it was another example of something that had long bothered her about the Black Panther Party — the sexism, so common in America at the time, that was pervasive even in an organization like theirs. Men in the party tended to refuse women positions of authority and shrug off their opinions as trivial.



# THE N.Y. 21

But Afeni was right — “Yedwa Sudan” was really NYPD officer Ralph White.

“I was pushing and pushing for women to have more rights in the party,” Afeni said. “And we fought about [Yedwa] because I knew he was a fucking cop from the very beginning and Lumumba wouldn’t listen.” And yet the very overtures toward street violence and hyperaggression that roused Afeni’s suspicions only proved, to some Panther cadre, Yedwa’s authenticity.

White, posing as Yedwa Sudan, had been sent not only to infiltrate the Panthers but to destroy it by leading it down a path of violence, where the brutal arm of the American state could both more easily discredit the organization and smash it by force, an arena where the cops would always have the upper hand.

If Lumumba had listened to Afeni, perhaps they wouldn’t have been so caught off guard at 5 A.M. on April 2, 1969, when detective Francis Dalton and four other New York Police Department officers arrived unannounced at their home at 112 West 117th Street. Dalton lit a rag, and the officers collectively shouted “Fire!” to lure Lumumba and Afeni from their apartment before arresting the couple.

Along with eight other Black Panthers, Afeni and Lumumba were arrested and indicted on 156 charges stemming from attacks on four police stations between 1968 and 1969, and their alleged planning to bomb a commuter railroad, the New York Botanical Garden, and shopping crowds in five department stores in New York.

In total, twenty-one members of the party, who became known as the Panther 21, were named in the indictment. Bail was set at \$100,000 for the thirteen who were apprehended and went on to appear in court.

It turns out it wasn’t just White — NYPD officers Eugene Roberts and Carlos Ashwood had also successfully infiltrated their chapter, providing crucial testimony that helped secure the indictments.

Afeni vehemently denied the accusations. White, as Yedwa, hadn’t merely spied on them, he’d led them into a trap — one only Afeni saw coming.

“I knew my militant agenda would one day end here in the hall of justice,” Afeni said, “but there was no justice in how it was going down. We were spied on, infiltrated, set up, and psychologically manipulated. I saw people I thought I knew change before my very eyes.”

The prosecution was led by Joseph A. Phillips, a skilled lawyer from the Manhattan district attorney’s office. Luckily, the Panthers were able to raise money for a defense by attorneys including William Crain, Gerald Lefcourt, Carol Lefcourt, Robert Bloom, Sanford Katz, and Charles McKinney.

Lumumba handpicked Carol Lefcourt to serve as the primary defense for Afeni. But Afeni immediately took issue with the choice.

“Carol Lefcourt had a tiny, squeaky voice,” Afeni said. “And I thought hell no, she can’t represent me! Not sounding like that. The judge wouldn’t be able to hear her objection, not with that voice. There was no meat to her voice, no resonance, no assurance ... Hey, I’m facing the same three hundred and fifty years everyone else is facing, and I am not going out like that.”

So, with her life on the line, Afeni took a risk and made a decision that struck many as crazy — she decided to represent herself in court.

Lumumba tried to persuade her to backtrack on the plan, but Afeni held firm when the pretrial hearing began in February 1970. The defense team was understandably apprehensive, but the way Afeni handled herself in court would shock them all — not least of which Afeni herself. “I just thought I was writing my own obituary.”

But Afeni wasn’t entirely on her own. The Panthers had inspired remnants of an older left who, even after the disastrous McCarthy years, were there to lend a hand when it mattered most. While incarcerated in the Women’s House of Detention, Afeni developed a relationship with a group of supportive women on the outside who had participated in the labor movement in the 1940s and 1950s. Although they were older and many of them were white, they were hardened radicals who knew what it meant to go up against the state — especially as a woman.

They’d write her, visit her, and ask how they could help. She asked them to create a bail fund for other incarcerated women who needed less than \$500 for their bail. They did so, but they also created a bail fund for Afeni. And on March 1970, following eleven months in prison, Afeni made bail.

While she wasn’t yet free, she was no longer incarcerated. And though she and others believed her life was essentially over at this point, she was preparing to fight with everything she had.

**D**uring her time in prison, Afeni and Lumumba had grown distant. The prosecution was able to successfully limit the amount of time the defendants could spend together outside of court. And in the few times they were able to meet, Lumumba repeatedly asked Afeni to have sex — even with the other defendants and lawyers present. She refused. This, along with their recurring disagreements throughout the trial, led to the further deterioration of their relationship.

While she was out on bail, Afeni became pregnant with fellow Black Panther Billy Garland's child. Once Lumumba found out, he disowned her as his wife — the “open” status of their relationship apparently only applying to him. With Lumumba turning his back on her, Afeni was even more alone.

Incredibly, when the trial began in September 1970, that didn't dissuade her from her decision to act as her own lawyer. Now on her own, she leapt into the role with gusto.

“I was young,” Afeni said. “I was arrogant. And I was brilliant in court. I wouldn't have been able to be brilliant if I thought I was going to get out of jail. It was because I thought this was the last time I could speak. The last time before they locked me up forever.”

She wasn't afraid to challenge the judge, to get into back-and-forth banter with him when displeased and raise objections toward the prosecution. She tactfully interviewed witnesses and led cross-examinations as though she were a seasoned attorney.

From the outside, there was nothing to signal that Afeni was outside her comfort zone. Five months into her pregnancy, however, her mental and physical well-being would begin to collapse. After two defendants jumped bail, Afeni had her bail revoked on February 3, 1971. Shortly after, Huey P. Newton dismissed all the defendants besides Afeni and Joan Bird from the Black Panther Party. Since Afeni and Bird were the only two women on trial and, unlike the men, made no attempt to flee while on bail, they were spared.

With bail revoked, Afeni was once again behind bars in the decrepit New York Women's House of Detention — she went without hot water, ate slop for food, was subject



to regular body cavity searches, and was given only a couple sheets of toilet paper per day. Afeni was later bailed out a second time by the same group of women who put up money the first time around, but any period of time in those conditions put not only her health at risk but her unborn child's as well.

"The conditions are not just abominable, as they were before; they are inhuman," Afeni said to Justice John Murtagh. "The facilities are not bad anymore; they are ridiculous. Women should not be put in there."

As for the Panthers, Afeni was quickly growing disenchanted with the organization. It didn't sit right with her that most of the other defendants had been kicked out because a few had jumped bail. Even worse, on April 17, 1971, a man named Sam Napier, the circulation manager of the Black Panther newspaper, who was a close friend of hers but an enemy of the Harlem chapter, had been tied to a chair and shot to death in a Panthers office in Corona, Queens. The violence Afeni had spent a lifetime trying to escape was now taking over the party she had once seen as her salvation. And she was caught in the middle of it all.

**F**or months, Afeni wanted nothing more than to confront Officer Ralph White in the courtroom.

The first of the three undercover officers to take the stand, though, was Eugene Roberts. He was considered the prosecution's star witness, but his reports of what he observed the Panther 21 doing were too vague to fit the charges. On further questioning, Roberts revealed that the group hadn't done planning of any kind for a supposed bombing campaign. His insistence that the charges were true, and that the bombings were imminent, was hardly believable.

"I personally believed something was going to be done," Roberts said, "but I didn't know when."

Roberts's uninspiring testimony had already dealt the prosecution a serious blow. It was now up to White. For the state to win, he would have to make the case that the defendants, including Afeni, were not just members of a radical political party — perhaps even extremists — but violent terrorists who, before they were arrested,





were on the cusp of unleashing a wave of murder and mayhem on the citizens of New York.

This also meant that Afeni would finally get to face White — one-on-one. It was obviously personal for her. White was, after all, one of the primary reasons she was forced to survive in such terrible conditions in a poorly maintained jail for months during her pregnancy.

Rather than lose her cool, however, Afeni lured him into a trap — and it was that trap that, once sprung, became the pivotal moment in the trial.

“Why, Yedwa, have you done this to us?”

It was the first thing she had said to White since her arrest, and her first question to him on the stand. She stood before him now in the courtroom wearing a smock that tightly hugged her pregnant belly, all her anger and her sense of betrayal contained in eight words.

White and the state wanted to make the case that the Panthers truly embodied the violence and militancy of their rhetoric. That all the talk of getting “the pigs” was backed up by a very real thirst for violence in the streets — one that Afeni and the other defendants were actively headed toward.

So Afeni asked him how he would characterize, in his words, not the rhetoric but the day-to-day work the Black Panthers were doing — and, more important, how he would characterize her own work.

WHITE: As far as your involvement, I thought you were more military than political.

SHAKUR: What involvement?

WHITE: I can’t remember everything you said or everything you had done or even all your actions; but ... I was only basing my own opinion on what I saw about you or about anyone else.

SHAKUR: I understand that. But you said there were things you saw me doing, I just want to hear one thing.

WHITE: I remember a meeting at the Panther office, you were real charged up about — you went into a thing about icing the pigs, along with that military thing, and very emotional. I remember that, plus other things I can’t remember offhand. I am only saying what I based my opinions on, what ... had seen and heard and I had forgotten most of them.

SHAKUR: Did you ever see me at Lincoln Hospital working?

WHITE: Yes, I have.

SHAKUR: Did you ever see me at the schools working?

WHITE: Yes, I have.

SHAKUR: Ever see me in the street working?

WHITE: Yes, I have.

SHAKUR: Are these some of the things that led you to think I was military minded?

WHITE: No, it was not.

SHAKUR: You don’t remember the other things.

WHITE: At the time I remembered them then. I remember — you reminded me of the good things you were doing. If you reminded me of some of the things you said, I could answer that.

SHAKUR: Yes, I guess so.

The state’s case rested almost entirely on the testimony of undercover agents — and that testimony relied almost entirely on militant rhetoric. Fighting words, and little more.

And in one cross-examination, Afeni had dealt a major blow to it.



**T**he writing was on the wall by April 2, 1971, two years after the members of the Panther 21 were arrested. Officer Carlos Ashwood, who was prosecutor Joseph Phillips's final major witness, had taken the stand starting in late March, and he didn't prove any more useful to the prosecution than the previous two officers had. Afeni made him come off as childish.

SHAKUR : Did you ever see me kill anyone?

ASHWOOD : I never saw you kill anyone.

SHAKUR : Did you ever see me blow up anything?

ASHWOOD : I never saw you blow up anything.

Over the course of the next several weeks, Phillips resorted to outbursts of emotion to fight for his unraveling case. All that was left was for the defense counsel, prosecutor, and judge to speak directly to the jury.

Afeni was selected to speak second to last among the defense counsel. Despite her successful cross-examinations, no one was certain of the outcome. Ironically, it was only now that she felt like she had a fighting chance that she softened. She was no longer the brazen young woman who decided she would go down swinging. The anger that had been with her as a girl in an abusive home and later, when she found purpose in the Black Panthers, had fled her.

Standing before the jury in her white smock, she was something else altogether for the first time in her life: vulnerable. Her life — and the life of her unborn son — hung in the balance of a dozen strangers' decision. She dropped the righteous and romantic rhetoric that had first attracted her to the Panthers as a young woman and instead stared ahead at the jury of twelve, speaking from the heart.

I don't know what I'm supposed to say. I don't know how I'm supposed to justify the charges that Mr. Phillips has brought before the court against me. But I do know that none of these charges has been proven and I'm not talking about proven beyond a reasonable doubt. I'm saying that none of the charges have been proven, period. That nothing has been

proven in this courtroom, that I or any of the defendants did any of these things that Mr. Phillips insists we did do. So, why are we here? Why are any of us here? I don't know.

But I would appreciate it if you end this nightmare, because I'm tired of it and I can't justify it in my mind. There's no logical reason for us to have gone through the last two years as we have, to be threatened with imprisonment because somebody somewhere is watching and waiting to justify being a spy. So do what you have to do. But please don't forget what you saw and heard in this courtroom ... Let history record you as a jury that would not kneel to the outrageous bidding of the state. Show us that we were not wrong in assuming that you would judge us fairly. And remember that that's all we're asking of you.

Phillips was next. But where Afeni had been sincere and vulnerable, he was arrogant, even insulting — attempting to harden the jury's hearts against the pregnant woman who'd just spoken to them to save her life. Picking up on a growing sympathy among the jury for Afeni, he accused them of forgetting the key facts of the case. Despite how poorly it was going, Justice Murtagh spoke as if Phillips had the advantage when the defense motioned to object during his soliloquy.

"Apparently he is doing too well for you," Murtagh said. "Be seated."

Around 4 P.M. on May 12, 1971, Murtagh was informed that the jury had rendered a verdict — it had only taken them about twenty minutes. Assuming the verdict would be guilty, he spent thirty-five minutes taking security measures.

When the jurors arrived at 4:35 P.M., they delivered their unanimous verdict: 156 utterances of "not guilty."

After juror James Ingram Fox said "not guilty" for the final time, Afeni burst into tears, Lumumba shouted, and each of the defendants came together to cry, yell, and celebrate with one another. More than twenty-five months after their arrest, they were all free.

Afterward, the defendants and jurors met at the law offices of Crain and Lefcourt to celebrate. One juror, impressed by how Afeni had defended herself in the courtroom, asked her what her secret was.

"Fear," Afeni answered. "Plain fear."

**A** little over a month later, Afeni gave birth on June 16, 1971. She named her son Lesane Parish Crooks. A few days later, she changed his name to Tupac Amaru Shakur, after the great Incan leader. “I wanted him to know he was part of a world culture and not just from a neighborhood,” she said. “I wanted him to have the name of revolutionary, indigenous people in the world.”

She didn’t return to the Black Panther Party and instead married Mutulu Shakur, who was a member of the Black Liberation Army, in 1975, the same year their daughter, Sekyiwa Shakur, was born.

But in 1981, Mutulu, five other members of the BLA, and four ex-members of the Weather Underground robbed an armored car in Nanuet, New York, stealing \$1.6 million in cash and leaving one security guard dead and another seriously wounded. Two police officers were killed in their escape. Mutulu then went on the run, with the couple divorcing soon after. Finally, after losing her job in legal services in 1984, Afeni moved with her two children from New York to Baltimore, Maryland, to make a clean break and start a new chapter in her life.

But instead, her life began to spiral out of control. Afeni had used cocaine and LSD during her stressful days in court and continued her drug use after the trial. She got clean during the first two years that she was in Baltimore but soon relapsed. As her addiction intensified, she sent her children to live with a friend in Marin City, California. She explained:

My addiction was not just to substances but also to the people I continued to keep in my life. I stayed right there with those people. I never moved on. All the time these men were being killed viciously, being arrested, disappearing, and I just stayed. I believed in my heart that this was it. These people were my life. I didn’t know that I had a choice to get out of it ... Even when I was smoking crack at my worst, I would say, “God, how am I gonna get out of this?” And He would say, “Well, for you there is no way out. Where would you go?”

I thought the reason I was getting high was to quiet the vision of all the people dying and all that violence and trauma. So, I would say stuff like, “If

you stood in my shoes for one second, your ass would be high too.” And I believed it.

Afeni wasn’t the only former Panther to struggle in those years. Cofounder Huey Newton was murdered in 1989 by a drug dealer and member of the Black Guerrilla Family, a nominally Marxist-Leninist prison gang. Many others had either been killed or incarcerated by then.

Afeni eventually moved to Marin City to join her children, but she got sidetracked again when she started a relationship with an imprisoned man. She became pregnant and, after initially being denied an abortion, began heavily smoking crack in an attempt to end the baby’s life. By the time she actually received an abortion, she was a crack addict.

From there, Tupac branched out on his own while Sekyiwa was left to fend for herself. Separated from her children and strung out on drugs, Afeni hit a low.

“I was dying, and I knew that I was dying because my spirit was not there at all,” Afeni said. “I would go to bed at night and really not care whether or not I woke up.”

It wasn’t until she moved back to New York in 1990 that Afeni shook her drug addiction through Narcotics Anonymous meetings. Tupac, who was quickly growing into a rap star, was still apprehensive about reconnecting. That hurt Afeni, but she understood it.

“As a girl, I just hurt,” Afeni said. “My mama was weak and sweet. My dad mean and arrogant. We were Black and poor in a place where that meant you weren’t shit and I wasn’t goin’ down like that. So, I understand Tupac. He looked for the reasons in me just like I looked for the answers in my parents. When Tupac came at me with a bunch of motherfuckin’ *whys*, I knew I had it coming.”

But Afeni’s influence on Tupac grew even in her absence. As a teenager, he joined the Young Communist League USA. Later, as his fame grew, he used it to speak out against the system of American justice that his mother had first challenged decades earlier, even as the culture, in its “end of history” moment, had moved far away from radical politics of any kind.

“There’s too much money here,” Tupac said in a 1992 interview with MTV News. “There’s no way that these people should own planes and there are people who don’t have houses, apartments, shacks, drawers, pants.”

Afeni was patient, giving her son the space he needed as his music began to touch first thousands then millions







of lives. Eventually, they grew closer than ever before. Tupac even wrote about their renewed relationship in his 1995 track “Dear Mama.”

“And even as a crack fiend, Mama, you always was a black queen, Mama,” Tupac rapped. “I finally understand. For a woman it ain’t easy tryin’ to raise a man. You always was committed. A poor single mother on welfare, tell me how you did it. There’s no way I can pay you back, but the plan is to show you that I understand — you are appreciated.”

In 1996, less than two years after “Dear Mama,” Tupac was shot and killed in Las Vegas. That could’ve sent Afeni down a dark path once again. Instead, she took charge of her son’s estate, starting a company in his honor called Amaru Entertainment. Losing her son reinvigorated her determination to continue her positive trajectory in his honor.

“When I lost my son, I had to remember I had a daughter and I had grandchildren and I have a responsibility to my son to stay clean and live up to my duties,” Afeni said. “And my duties did not end when Tupac died.”

Afeni went on to continue her work as an activist and traveled frequently to make guest appearances and lectures. Through sharing her experiences, she found peace. In her later years, Afeni lived in a house in Stone Mountain, Georgia, purchased for her by her son before he died. She believed it was the first

time someone from her family had owned land since her great-grandmother Millie Ann, who lost it after she put it up to bail out her sons from jail.

When Afeni passed away on May 2, 2016, she was most widely known not for her fight in the Panther 21, not for standing up to an American state at war with her and winning, but for being the mother of a charismatic superstar who died before his time — the baby she was striving to protect nearly half a century earlier.

But those of her generation who had been born into violence, into a struggle already centuries old, who fought their way out, who lost and then found themselves all over again, knew she was much more than that.

An anger made Afeni Shakur. But it did not break her. ■



# Reading Materiel

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THE RAP SHEET

# Did Liberals Give Us Mass Incarceration?

The United States managed its violence on the cheap — through police and prisons instead of social welfare.

The United States imprisons more people per capita than any comparable society, past or present. It is alone among advanced countries in putting its citizens to death, in commonly sentencing prisoners to life without the possibility of parole, in its use of solitary confinement, and in annually killing hundreds of civilians in police encounters.

For the richest society in world history, these are staggering facts.

Conventionally, mass incarceration is explained by reference to the right-wing turn in American politics — to a revanchist, Nixon-

and then Reagan-led revolution in criminal justice. Leading accounts, notably Michelle Alexander's *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, argue that this punitive turn reestablished a system of social control over black Americans that had been challenged by the Great Migration and the civil rights movement. In Alexander's account, a white and mainly Southern elite overturned black gains by means of mass incarceration and policing. Others, noting that rich African Americans have mostly escaped this disciplinary trend, have argued that the

REVIEW OF: *From the War on Poverty to the War on Crime: The Making of Mass Incarceration in America* by Elizabeth Hinton (Harvard University Press, 2016), and *The First Civil Right: How Liberals Built Prison America* by Naomi Murakawa (Oxford University Press, 2014).

objects of social control are not black Americans in general but the poor in particular.

Whatever the differences between them, in these arguments, the culprits behind the punitive shift are conservative elites. Two noteworthy books, *From the War on Poverty to the War on Crime: The Making of Mass Incarceration in America* by Elizabeth Hinton and *The First Civil Right: How Liberals Built Prison America* by Naomi Murakawa, challenge that view. Both Hinton and Murakawa agree with much of the story told by Alexander and others, but they argue that existing research has minimized the culpability of the Democratic Party and its allies. In both authors' view, the origins of mass incarceration are bipartisan.

To establish this argument, Hinton and Murakawa are mostly concerned with American liberalism when it was at the peak of its progressivism. That is to say, their

books do not focus on the centrist coterie that took the reins of the Democratic Party in the late 1980s. The political drift in these years is well understood. Rather, when Hinton and Murakawa indict liberals for laying the foundations of America's carceral state, they mean the leadership and allies of the Democratic Party in an earlier period: presidents John F. Kennedy, Lyndon B. Johnson, and Jimmy Carter; party leaders like senators Ted Kennedy and Joe Biden; key figures like Ramsey Clark and the members of the Katzenbach and Kerner commissions; and liberal intellectuals like Lloyd Ohlin, Richard Cloward, Daniel Patrick Moynihan, and Gunnar Myrdal. These were the liberals who, according to Hinton and Murakawa, laid the foundations of the carceral state.

This is a striking claim. And, for those who seek deeper explanations for the fecklessness of today's Democrats, it would appear a timely and important one. Yet in the final analysis, both books fall short. Their authors repeat key failings of other critical work on mass incarceration: they deny that a real rise in crime fed into the politics of punishment; they date the punitive turn to policies whose impact on incarceration is unproven; and they evaluate these policies by the standards of an implicit prison abolitionism. They are absolutely right that liberal politicians were a failure, even in the late 1960s. However, Hinton and Murakawa mischaracterize the nature of

liberals' failure, locating that failure's causes inside the heads of key figures of the era rather than in the balance of social forces. Hence, they fail to provide an adequate means to understand, and thereby overturn, the carceral state.

### The Argument

Both titles recount the history of criminal justice policy in the postwar United States. Murakawa reviews policy over a longer time period (from Harry S. Truman in 1948 to Bill Clinton in 1994) than Hinton does (from Johnson in the late 1960s to Richard Nixon in the late 1970s), but both spend substantial energy on the Great Society period of the late 1960s. For the argument that both Murakawa and Hinton make, this is instructive. Late 1960s liberalism had been enormously transformed by the civil rights movement and other mass mobilization.

Hinton and Murakawa's fundamental contention is that, even in American liberalism's social

democratic moment, liberals passed identifiably punitive legislation. Under Johnson's leadership, Democrats sponsored the Omnibus Crime Control and Safe Streets Act of 1968, which allocated federal funds to criminal justice and law enforcement modernization. This yielded more police, more prosecutors, more judges, and more prisons. Later, under Carter, they made surveillance and law enforcement central pillars of their policy of urban revitalization. Murakawa argues that Democrats played into punitiveness at every turn — by seeking to expand the police and criminal justice apparatus, and later by spearheading efforts to reduce the unpredictability of sentencing outcomes. However benighted their aims, by enlisting the state's punitive arms, their plans "entrenched anti-black carceral development."

For Hinton, liberals' faith in criminal justice had another baleful policy consequence. Even when liberals enacted nonpunitive

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**It is possible to take heed of racial disparities in violent behavior while also rejecting the view that there are inherent differences between blacks and whites.**

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**Liberals did not fail to envisage a social democratic solution. They failed to implement it.**

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policies, they gave a prominent role to disciplinary actors, particularly the police. The Johnson administration even placed law enforcement authorities within some War on Poverty programs. Police operated after-school programs, organized athletic leagues, ran teen centers, led field trips, and delivered food and toys. This tendency resurfaced under Carter, too, who gave disciplinary institutions enhanced powers in public housing. Hinton's claim here is no different from Murakawa's: the inevitable consequence of enlisting the state's repressive arm was to deepen punitive control of the ghetto.

Why did liberals support these measures? What justified the expansion of the carceral state and punitive policing? Again, both authors offer similar answers. First, liberals maintained that crime was rising in the 1960s and 1970s (and that later, in the 1980s and 1990s, it was perilously high). In Hinton's view, this crime wave

was spurious. What was actually happening, she suggests, was that previously unreported crime was being noted in official statistics for the first time, and perhaps even being overreported by the relevant agencies because their funding depended on recounting ever-higher levels of criminal activity. Indeed, Hinton claims that crime was actually in decline when Johnson passed the Safe Streets Act in 1968. Likewise, Murakawa argues that liberals were wrong to put any stock in official crime rates. These, she says, measure only "social control" and not "misconduct."

Second, in addition to concocting a crime wave, liberals wrongly believed that it was concentrated in black neighborhoods. According to Hinton, this view was simply an artifact of the kind of crime government officials chose to worry about. Black Americans received excessive and undue police attention, which led to race-based disparities in reporting,

and which might even have produced the very crime that it purported to stop. Yet because liberals believed it, the misleading image of the black delinquent reappeared, time and time again, in their speeches, policy platforms, and legislation. Thus, liberals, whatever their intentions, were guilty in this period of circulating false ideas about rising crime and criminality. They may not have race-baited and fearmongered like the open revanchists to their right, but the architecture of liberal and conservative arguments was the same: fear for your lives, and fear black men most of all.

Why did liberals supposedly invent a crisis of rising crime? And why, even at the peak of liberal progressivism, in the late 1960s, did they attack this invented crisis with policies that were largely, or at least inevitably, punitive? For both Hinton and Murakawa, the answer lies within liberalism itself. Liberals never shed the quintessentially American belief that African Americans were inclined toward criminal behavior. Though they appealed to "statistical discourse about black criminality" rather than faux biology, they maintained "that crime and violence were a hereditary problem among citizens of African descent." If the race-blind state could not solve the African American question, liberal ideology implied that the problem lay with African Americans and not the race-blind state. And if the ghetto was beyond reform, it could only be contained. Thus, for both scholars, the problem was

ideological at root. Nothing good could come from liberalism.

**What Liberals Believed**

Hinton and Murakawa’s argument amends the typical story in one significant sense: they widen the circle of culprits behind America’s punitive turn to include liberals

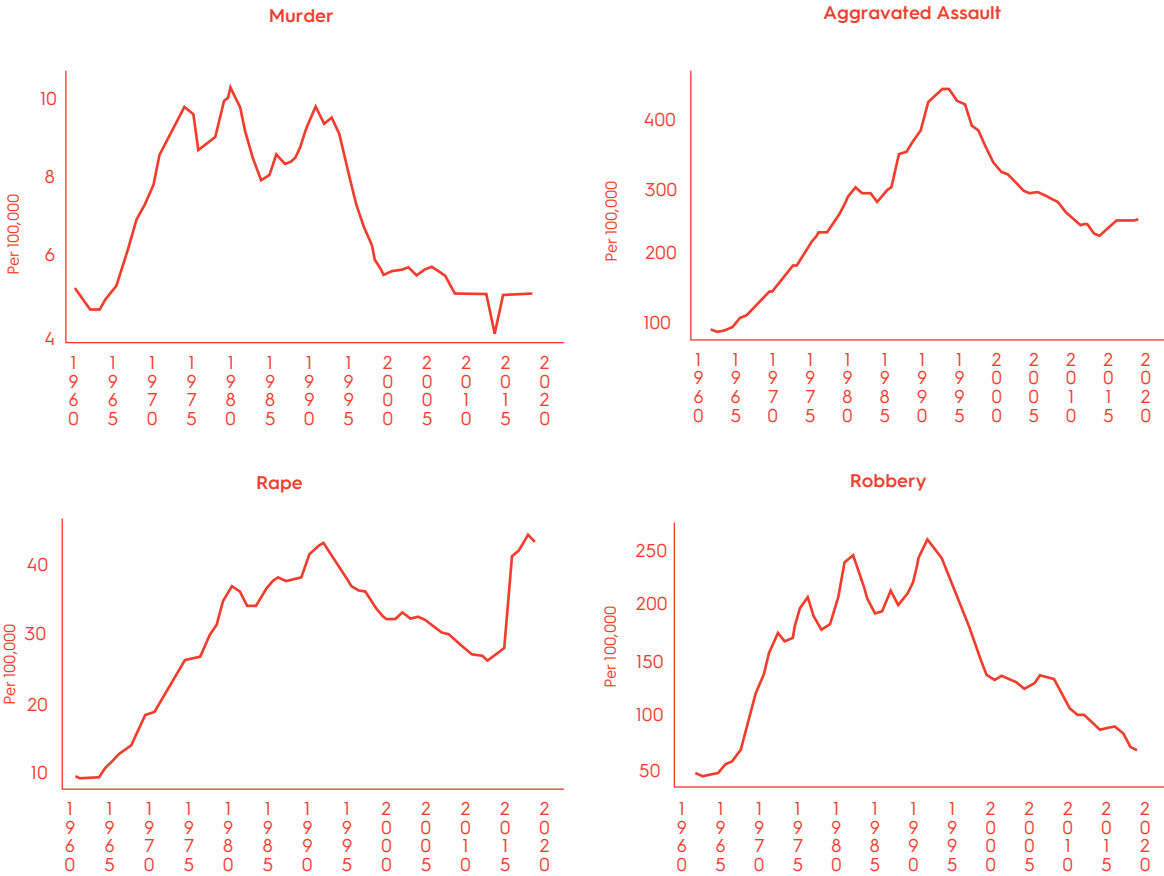
and the pre-neoliberal Democratic Party. Reviewers have rightly applauded this move. The two works pinpoint a weakness in conventional wisdom. It has always been too glib to lay the blame on a clique of conservative elites. Yet we can grant Hinton and Murakawa this criticism of the

standard view without accepting their own accounts of the carceral state’s origins.

To start, the anchoring claim of their shared argument — that liberals concocted the crime wave of the late 1960s and 1970s — is problematic. Hinton argues that official indicators were biased

**US Crime Rates**

Crime rates increased dramatically in the United States between 1960 and 1990, before declining precipitously during the 1990s and 2000s.



by shifting definitions and a new incentive structure, but she fails to provide any empirical evidence in support of this striking claim. She is right that these indices can be misleading, but overtime trends in the FBI's Uniform Crime Reporting program are not very different from tendencies derived from other sources.

The homicide rate, for example, can be reliably measured by mortality statistics. According to these data, the rate almost doubled between the early 1960s and early 1970s, where it remained until it began to fall in the early-to-mid 1990s. This is roughly the pattern suggested by the FBI's violent crime index.

Second, Hinton argues that claims about rising crime in African American communities were fictitious. She is correct that this fact is not proved by arrest or imprisonment patterns, but surveys of victims of violent crimes yield black-to-white offender ratios that are about the

same as (sometimes slightly higher than, sometimes slightly lower than) black-to-white arrest ratios. The drug war may be different: as Alexander and others have noted, blacks and whites use drugs at roughly the same rates, but blacks are much more likely to be arrested than whites. Yet only a small minority of those in prison are there for drug offenses, and an even smaller minority for low-level drug offenses (about 1 percent of all prisoners). The consensus view is that most of the racial disparity in incarceration rates reflects real disparities in offending rather than racial discrimination.

For both Hinton and Murakawa, liberals proved their racism by fretting about black crime. But not all who worry about black crime do so because they are racists. It is possible to take heed of racial disparities in violent behavior while also rejecting the view that there are inherent differences between blacks and whites. As

some liberals understood, African Americans are not overrepresented in violent crime because they are naturally predisposed to violence, but rather because they have been persistently relegated to hollowed-out urban ghettos and the lowest, most deprived reaches of the American class structure. Crime is an index of oppression.

Still, even if we acknowledge that crime rose and was concentrated in poor, black communities, one might wonder why liberals chose to make it a public issue. The idea that politicians goaded citizens into worrying about crime is a frequent refrain of critical scholarship. New work on the politics of crime and punishment challenges this view, however, showing how crime didn't just register in official statistics but profoundly affected ordinary individuals.

In his book on the punitive turn in Washington, DC, *Locking Up Our Own: Crime and Punishment in Black America*, James Forman Jr portrays a black and mainly working-class public that was appalled by the rise in violent and drug crime in their neighborhoods. Residents demanded redress from newly enfranchised black elected officials. Neither this public nor its representatives clamored for straightforwardly punitive solutions, but people needed no prodding to worry about crime: its impact on everyday life was palpable. Michael Fortner recounts a similar history in New York City, where, he argues, the support of "a silent black majority" enabled the passage of

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the Rockefeller Drug Laws. This evidence is local, but other work by Peter K. Enns and Lisa L. Miller presents general (and, in Miller's case, cross-national) evidence for the view that politicians worry about crime when the public does. Enns shows that popular punitiveness predates congressional hearings on crime, while Miller argues that the public salience of crime covaries with real rates of violence.

### What Liberals Did

If we accept these three points — crime did rise, it was concentrated in black communities, and liberals paid attention to it because the public did — what is left of Hinton and Murakawa's argument? Liberals did not, in other words, misdiagnose the 1960s; these were real problems. But perhaps Hinton and Murakawa are still right to indict their policy response. Both argue that liberals saw little option but to upgrade the state's punitive arm. Even if their aims were not revanchist, they were shackled by their racism. When push came to shove, liberals could not imagine another path.

But this is an uncharitable summary of how liberals hoped to respond. When confronted with crime and unrest in urban ghettos, leading liberal intellectuals and policymakers foregrounded structural inequality. Language about the root causes of crime and delinquency pervaded the period. The exemplary case was the Kerner Commission, which was convened to study the riots of the late 1960s. The commission's

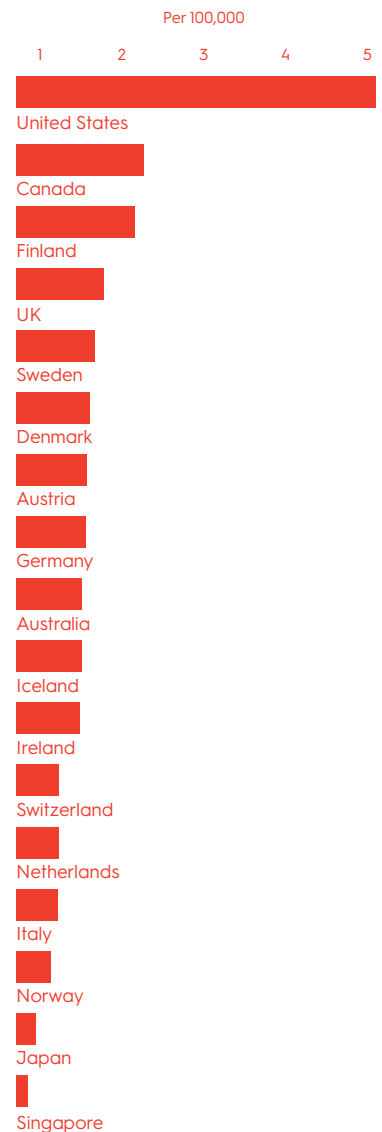
final report demanded a massive expansion of federal spending on employment, education, welfare, and housing. And while it was remarkable, the document was not exceptional.

The Johnson administration had, two years earlier, constituted the Commission on Law Enforcement and Administration of Justice (known as the Katzenbach Commission), whose recommendations led to the Safe Streets Act of 1968. The Katzenbach Commission opened the final chapter of its report by asserting plainly that “the foundation of a national strategy against crime is an unremitting national effort for social justice.” Only a few pages later, it called social programs “America's best hope of preventing crime and delinquency.” Social democratic common sense was mainstream.

Recall that, in Murakawa's view, liberals only worried about racism on prudential and not principled grounds. Yet the Kerner Commission's report is garlanded by a quote from Johnson demanding that liberals attack American racism not “because we are frightened by conflict, but because we are fired by conscience.” Murakawa argues that liberals believed the race-blind state would solve racism, but the document's remarkable analysis of racial oppression makes the radical argument better than Murakawa does. Civil rights legislation benefited only a minority of African Americans, the commission noted. Legal and political equality had failed to undo durable

### Homicide Rates of High-Income Countries (2018)

The United States is a much more violent country than any of our peer nations. An American is nearly three times more likely to be the victim of homicide than a resident of any other high-income country, and over thirty times more likely than someone in the least violent high-income country, Singapore.





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## Arresting, sentencing, and imprisoning criminal offenders is far cheaper than a welfare state.

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inequalities in employment, wealth, education, and housing. As the commission observed in its report, “there have been important gains. But the masses of Negroes have been virtually untouched by those gains.”

Hinton acknowledges that the commission was “interested ... in attacking the socioeconomic roots of urban unrest.” But in her view, because the commission was fixated on the false problem of black criminality, and because it saw a role for police in combating this criminality, the report helped cement punitive policy. As she summarizes, “Beneath its liberal rhetoric, in the final analysis, the Kerner Commission supported a massive War on Crime.” This claim is dubious. Take the report’s final proposals, presented in a chapter titled “Recommendations for National Action.” This chapter had only four subsections, none of which focused on police or prisons. The first demanded that the federal government generate

two million new jobs and grant new funds to offices tasked with battling employment discrimination. The second demanded that it fight educational segregation while greatly increasing funding for ghetto education. The third demanded that it expand the safety net to support all those who live below a decent level of income. And the fourth demanded that it build millions of homes inside and outside the ghetto.

Far from ignoring racial inequality, key liberal ideologues and policymakers in the late 1960s intended to attack it. Of course, both Hinton and Murakawa are right that this agenda floundered. But we must understand what kind of failure this was: not a failure of imagination or intent but of deed. Liberals did not fail to envisage a social democratic solution. They failed to implement it.

### Taking the Problem Seriously

Granted, Hinton and Murakawa’s main line of criticism is not that

liberals ignored social democratic solutions but that they implemented punitive ones. The authors draw a straight line from the modernization efforts of the 1960s to the carceral state. They often write as if liberal legislation led directly to mass imprisonment and policing, but there are at least two reasons to doubt this view. First, the banner indicator of America’s punitive turn — the number of prisoners per capita — actually declined while Kennedy and Johnson were in office. It began to tick upward only in the latter half of the 1970s, several years after Johnson had left the White House.

Hinton argues that the Safe Streets Act of 1968 “result[ed in] a significant expansion of America’s carceral state,” but the incarceration rate was stable for five years after that law passed. Second, most of the policy decisions that comprise the punitive turn were made not by a handful of actors in Washington, DC, but by police, prosecutors, judges, and politicians across the United States at the state and county levels. State and local governments hold around 85 percent of America’s prisoners, employ 86 percent of its police officers, and account for around 87 percent of its law enforcement spending. Federal legislative activity makes for a manageable history, but most of the story was written at lower levels of government.

Given this fact, what does it mean to argue that Democrats in the 1960s caused the punitive turn? If liberals in Washington did not

build prisons and employ police directly, they may have set America on a trajectory from which it could not escape. Hinton and Murakawa do seem to believe that no other future was possible once federal-led modernization was underway. Yet had Democrats pursued the recommendations of the Kerner Commission, modernization may have been no more than a footnote in history. Even if America had funded, standardized, and professionalized its criminal justice agencies, had it launched an assault on the root causes of crime, it would certainly not have become the world's leading warden. After all, other advanced capitalist countries maintain professional police forces and prisons, but their role is greatly circumscribed by a welfare state. Many countries have modernized without militarizing.

Perhaps Hinton and Murakawa are not indicting modernization *tout court* but rather specific legislation. But when either identifies those policies that seeded the carceral state, they are indiscriminate. Hinton includes Kennedy's anti-delinquency programs in the early 1960s (which provided remedial education, job training, and social service programs), police involvement in social programs, increased funding to police under Johnson, and even the installation of security cameras in public housing under Carter. Murakawa counts liberal efforts to combat lynching in the South, fund law enforcement, and standardize sentencing practices across jurisdictions and

defendants. Neither author defends the claims that causal arguments imply: either that, with these policies in place, the punitive turn was unavoidable, or the weaker thesis that, without these policies, there could have been no punitive turn. The real argument that links these disparate pieces of legislation is Hinton and Murakawa's unsubstantiated earlier one: liberal advocacy in all cases gave credence to spurious claims about rising crime and black criminality.

If this is not sensible history, is it at least effective propaganda? And to what end? In her conclusion, Hinton offers the outlines of a policy agenda: "Residents in communities should be responsible for keeping their own communities safe."

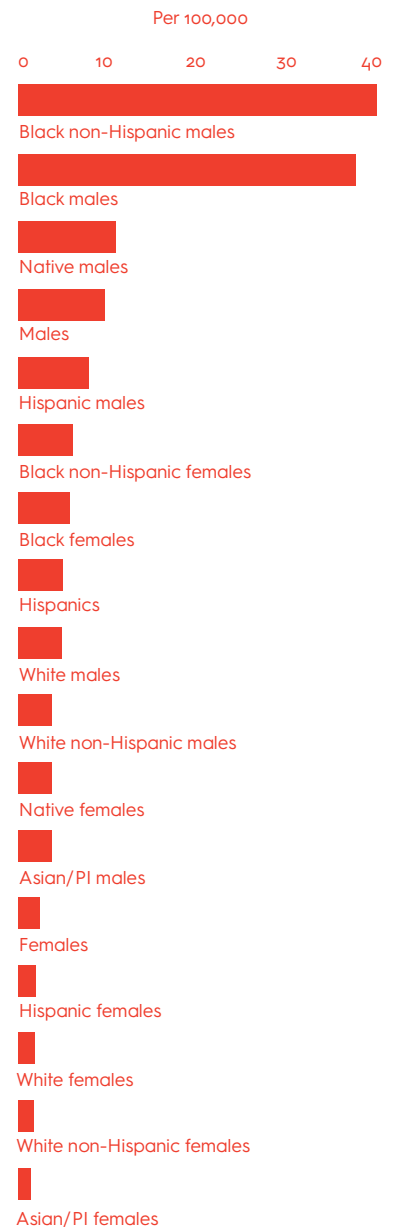
The growing popularity of this argument among activists is a welcome sign that a new generation is taking note of the barbaric way the United States metes out punishment. Yet it is a position that's out of step with both wider public opinion and the realities of life in America.

Despite the decline of crime in recent decades, the United States remains an extraordinarily violent place. It is still the most violent society in the developed world — and by far. Almost 13,500 people were murdered in 2015, of which more than half were African American.

Black men in the United States face El Salvador-level murder rates. Patrols by untrained residents will never manage crime

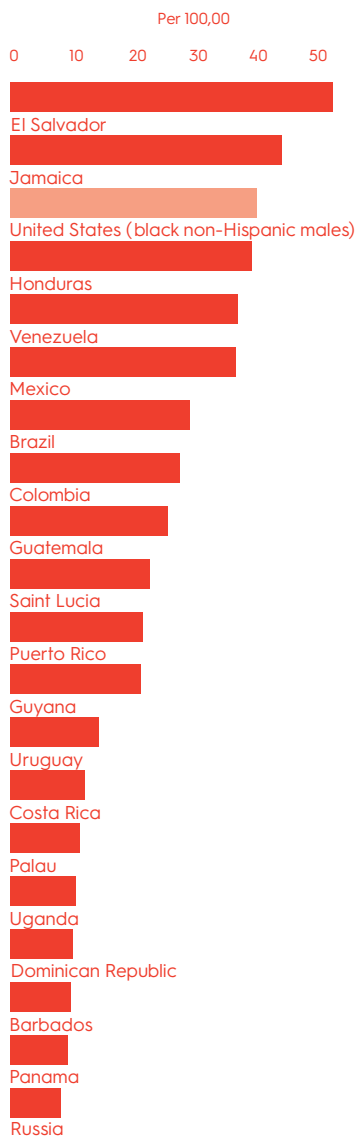
## Race and Gender Disparities in US Homicide Rates

Black men in the United States are victims of homicide at nearly four times the rate of any other group, over ten times the rate of white men, and twenty times the rate of white women.



## US Black Homicides Compared to 20 Deadliest Countries

Black men in the United States are more likely to die by homicide than residents of some of the most violent countries in the world, from Honduras to Brazil. The only two countries in the world where one stands a greater chance of being murdered than black men in the United States are El Salvador and Jamaica.



of this severity. Neither Hinton nor Murakawa gives the problem sufficient thought, but the fault is not theirs alone. If conservatives ignore mass incarceration and fret only about crime, critics of the punitive turn have so far mostly inverted this posture. Present-day anger at policing and excessive incarceration is justified, of course. But we can't ignore the reality that a black person in America is thirty-five times more likely to be killed by a civilian than by a police officer.

### Why Liberals Failed

The failure of Great Society liberalism was not rooted in its attempt to modernize the state's punitive agencies. In the late 1960s, efforts to this end were probably unavoidable. The Katzenbach Commission noted severe problems: rampant corruption, manpower shortages, lagging credentials, enormous caseloads in the court system, and excessive use of pretrial detention. In a world in which these problems were left to fester, the lives of ghetto residents may well have been more and not less oppressive. Perhaps the only thing worse than being policed by well-paid professionals is being policed by poorly paid amateurs.

Instead, the failure of liberals was to never deliver on the social democratic promises they made in the late 1960s. The Johnson administration launched the War on Poverty, but, as the Kerner Commission recognized, these programs were no match for deindustrialization, white flight,

and the ensuing collapse of the municipal tax base. To meet the challenges of the moment, the government ought to have committed massive resources to employment, housing, education, health care, and welfare. Yet these were not forthcoming. Why?

One answer is that liberals diverted revenues to police, prisons, and the court system. Even Hinton sometimes argues that punitive programs "crowded out" anti-poverty programs. But how? Arresting, sentencing, and imprisoning criminal offenders is far cheaper than social democracy. Even today, in the meager American welfare state, the money spent on punitive institutions is far exceeded by the money spent on social programs. Over the last three decades, state and local governments have spent only about 4 percent of their total outlay on police and 3 percent on prisons. At the federal level, these numbers were vanishingly small (roughly 0.5 percent and 0.2 percent, respectively). In 2014, for every dollar spent on police, prisons, and the court system, the government (at all levels) spent more than twelve on social programs.

At the federal level in the 1960s, the contrast was even starker. For every dollar the Johnson administration spent on corrections, law enforcement, or the courts, it spent anywhere between sixty and eighty dollars on social programs. Had all the money earmarked for punitive programs been redirected to social programs, the change would probably

have gone unnoticed (around a 1.5 percent increase over existing levels of social spending).

As one benchmark, consider the demands of the left wing of the civil rights movement, which were articulated in A. Philip Randolph's "Freedom Budget for All Americans." That budget envisioned about \$185 billion of new spending spread over ten years, or about \$18.5 billion annually. In 1966, when the budget was written, the Johnson administration was spending about half a billion dollars on prisons, courts, and law enforcement. Reallocating *all* of this money would have taken the government only 3 percent of the way to the Freedom Budget's goals.

Why did liberals fail to raise *new* funds? Here, we come to the heart of the matter. In a capitalist society, revenue is in the hands of the rich. Politicians are hesitant to tax elites, since taxation threatens investment, and any threat to investment is a threat to economic stability. Where they have done so, it is generally because disruptive mass movements of ordinary people have forced their hand. The movements of the 1930s and the 1960s dragged social democratic demands into the American mainstream and won several important concessions. But by the end of the 1960s, neither the political nor economic signs were propitious. The civil rights movement had crested a few years earlier. Its left-wing elements were trying, but failing, to craft a strategy to take the struggle to the Northern ghettos and black working class. The labor

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**American elites gave us mass incarceration not because they were racists but because they could not be forced to concede social democracy.**

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movement was large but ossified. Meanwhile, the profit rate had fallen from its peak, and imperialist adventures in Vietnam had drained the state's exchequer. Investment was slowing. In this inhospitable soil, social democracy could not take root.

The Johnson administration did not do as the Kerner Commission decreed, so the United States managed its violence on the cheap. State and local governments responded to public alarm with the punitive instruments at their disposal — as they continue to do to this day.

### **The Way Forward**

For all the talk of Hinton and Murakawa's revisionism, their work has more in common with critical convention than not. As in the standard view, crime did not matter, only racists fret about it, and politicians lead the public where they want it to go. The cast of conspirators is

larger, but the lesson is the same: elites devised mass incarceration to control the poor; our task is to smash it.

A better political agenda starts with a better history. As cities collapsed under the weight of the Great Migration, white flight, and deindustrialization, crime did rise. Politicians worried about crime because both the white and black public did. Liberals in the 1960s recognized the imperative of attacking the root causes of the rise in violence, but they wielded power in a political and economic context that foreclosed costly solutions.

Hinton and Murakawa have written histories that explain bad policy by reference to the bad ideas in policymakers' heads. Yet American elites gave us mass incarceration not because they were racists but because they could not be forced to concede social democracy. ■

# What We Really Know About the CIA and Crack

DANIEL FINN

The CIA claimed that any story linking it to the 1980s crack cocaine explosion was conspiratorial slander. But the evidence of its complicity is all there in the congressional record.



- In some instances, foreign policy considerations interfered with the U.S.'s ability to fight the war on drugs. Foreign policy priorities towards the Bahamas, Honduras, Nicaragua, and Panama at times delayed, halted, or interfered with U.S. law enforcement's efforts to keep narcotics out of the United States. In a few cases within the United States, drug traffickers sought to manipulate the U.S. judicial system by providing services in support of U.S. foreign policy, with varying results.
- U.S. officials involved in Central America failed to address the drug issue for fear of jeopardizing the war efforts against Nicaragua.



While the contra/drug question was not the primary focus of the investigation, the Subcommittee uncovered considerable evidence relating to the Contra network which substantiated many of the initial allegations laid out before the Committee in the Spring of 1986. On the basis of this evidence, it is clear that individuals who provided support for the Contras were involved in drug trafficking, the supply network of the Contras was used by drug trafficking organizations, and elements of the Contras themselves knowingly received financial and material assistance from drug traffickers. In each case, one or another agency of the U.S. government had information regarding the involvement either while it was occurring, or immediately thereafter.

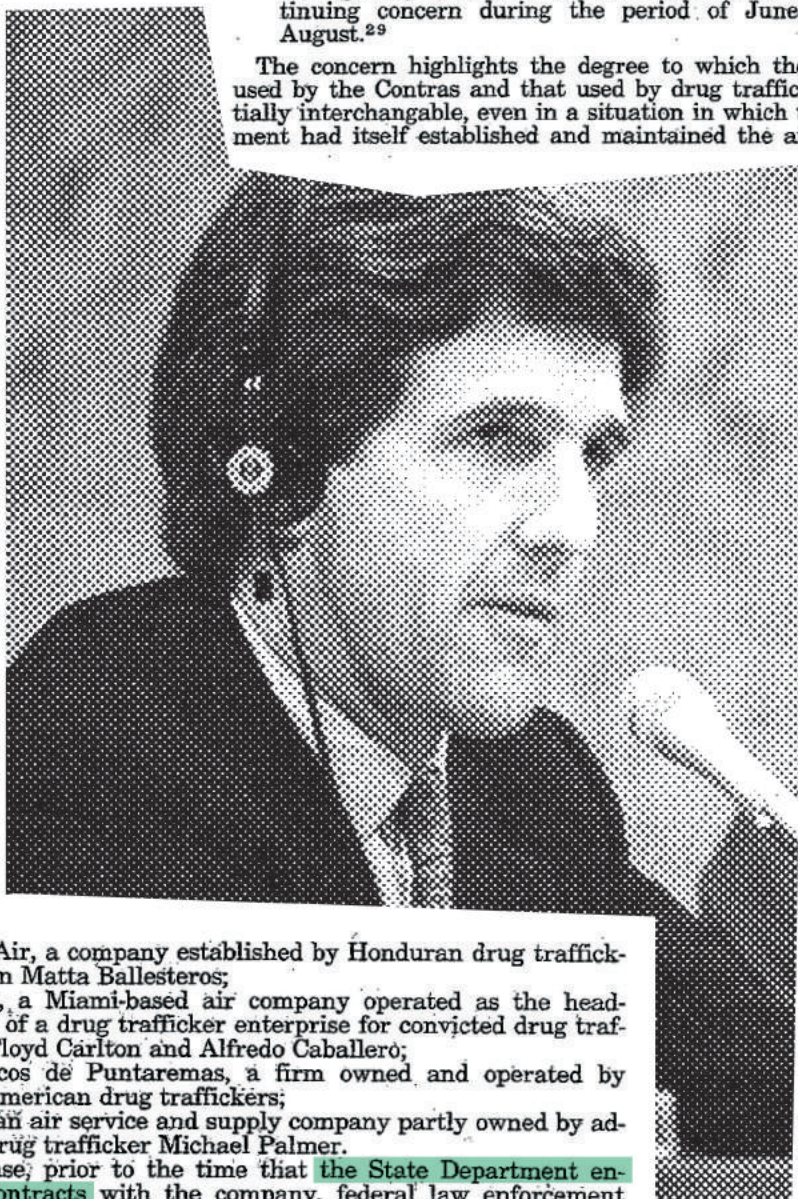


BELOW: John Kerry speaking to the Senate Committee on Foreign Relations.

The problem of drug traffickers using the airstrips also used to supply the Contras persisted through 1985 and 1986. By the summer of 1986, it became of significant concern to the U.S. Government officials who were involved in the covert Contra supply operations undertaken during the Boland Amendment period. As then-CIA Station Chief, "Thomas Castillo" testified to the Iran/Contra Committees, U.S. Ambassador to Costa Rica Lewis Tambs wanted to place guards on the secret Contra supply airstrip at Santa Elena in Costa Rica, to avoid:

having drug traffickers use that site, and this was a continuing concern during the period of June, July and August.<sup>29</sup>

The concern highlights the degree to which the infrastructure used by the Contras and that used by drug traffickers was potentially interchangeable, even in a situation in which the U.S. government had itself established and maintained the airstrip involved.



- SETCO Air, a company established by Honduran drug trafficker Ramon Matta Ballesteros;
- DIACSA, a Miami-based air company operated as the headquarters of a drug trafficker enterprise for convicted drug traffickers Floyd Carlton and Alfredo Caballero;
- Frigorificos de Puntaremas, a firm owned and operated by Cuban-American drug traffickers;
- Vortex, an air service and supply company partly owned by admitted drug trafficker Michael Palmer.

In each case, prior to the time that the State Department entered into contracts with the company, federal law enforcement had received information that the individuals controlling these companies were involved in narcotics.

PREVIOUS SPREAD: US Special Forces surrounded by coca plants near a coca-processing lab in the heart of the Colombian jungle.



■ **PREVIOUS SPREAD** The US had two main “foreign policy considerations” in Central America during the 1980s: to overthrow the Sandinista government in Nicaragua, and to prop up the military junta in El Salvador. Before Ronald Reagan sacked him, the US diplomat Robert White explained to his bosses why

El Salvador was on the brink of revolution: “The rich and powerful have systematically defrauded the poor and denied 80 percent of the people any voice in the affairs of their country.” The US-backed counter-insurgency claimed the lives of 75,000 people in a country with a population during the 1980s of about five million.

■ In 1986, the International Court of Justice found that US “war efforts against Nicaragua,” which included support for the Contra rebels and the CIA’s mining of Nicaraguan harbors, were illegal, and ordered Washington to pay compensation. The Reagan Administration ignored the ruling.

**T**he CIA thought it had buried a sordid story with the death of San Jose *Mercury News* reporter Gary Webb. Webb had spent years documenting the crack cocaine trade in the United States and the intelligence agency’s complicity in it.

Webb took his own life in 2004 after his 1996 “Dark Alliance” reporting series came under intense scrutiny from the heavy hitters of American journalism, including the *New York Times*, the *Washington Post*, and the *Los Angeles Times*.

Unfortunately for US intelligence chiefs, the accusations made by Webb and other journalists have continued to flare up in popular culture, where the opportunity to combine two movie archetypes, the spook and the gangster, seems irresistible. Hollywood films like the 2014 Webb biopic *Kill the Messenger* and 2017’s *American Made*, with Tom Cruise as CIA pilot Barry Seal, have helped keep the allegations in public consciousness.

In the same year that *Kill the Messenger* came out, the Central Intelligence Agency released a previously classified 1997 article from its house journal titled “Managing a Nightmare: CIA Public Affairs and the Drug Conspiracy Story.” Its author, Nicholas Dujmovic, described the controversy as a symptom of escalating “public distrust in government,” with the CIA as an innocent bystander caught in the cross fire:

“In such times, even fantastic allegations about CIA — JFK’s assassination, UFO coverups, or importing drugs into America’s cities — will resonate with, and even appeal to, much of American society.”

According to Dujmovic, the “Dark Alliance” affair had now “largely run its course,” leaving intelligence agents to bemoan the “scant public appreciation of their dedication and hard work” among the US citizenry:

Ultimately the CIA-drug story says a lot more about American society on the eve of the millennium than it does about either CIA or the media. We live in somewhat coarse and emotional times — when large numbers of Americans do not adhere to the same standards of logic, evidence, or even civil discourse as those practiced by members of the CIA community.

Happily, there were exceptions to this rule. Dujmovic credited “a ground base of already productive relations with journalists” with helping “prevent this story from becoming an unmitigated disaster” as the agency got its version of events across: “In the first few days, CIA media spokesmen would remind reporters seeking comment that this series represented no real news, in that similar charges were made in the 1980s and were investigated by the Congress and were found to be without substance.”

■ The purpose of the contracts was to deliver what the Reagan Administration called “humanitarian assistance” to the Contras. Along with direct military aid from the US, such assistance kept the Contras in action as they fought to overthrow the Sandinistas, killing thousands of Nicaraguan civilians in the process.

■ Oliver North used the proceeds from arms sales to Iran, which violated a US government embargo, to fund the purchase of weapons for the Contras, in defiance of restrictions that Congress had imposed.

**THE KERRY REPORT** Although he did not mention it by name, Dujmovic can only have been referring to a report published in 1989 by Massachusetts senator John Kerry and his team after an investigation by the Senate Committee on Foreign Relations. If the CIA really considers the Kerry Committee report to be an exoneration of its record, it is hard to know what it might view as an indictment.

While Kerry did not find evidence that CIA bosses had deliberately orchestrated the sale of drugs in US cities, his conclusions were still damning:

It is clear that individuals who provided support for the Contras were involved in drug trafficking, the supply network of the Contras was used by drug trafficking organizations, and elements of the Contras themselves knowingly received financial and material assistance from drug traffickers. In each case, one or another agency of the U.S. government had information regarding the involvement either while it was occurring, or immediately thereafter.

The report quoted testimony from the head of the CIA's Central American Task Force, Alan Fiers, about links between the Contras and drug smuggling: "It is not a couple of people. It is a lot of people." Referring to one high-profile Contra leader, Edén Pastora, Fiers was equally candid: "We knew that everyone around Pastora was involved in cocaine."

The pattern of complicity did not begin or end in Langley. Justice Department officials were still denying the allegations in 1986, the report notes, even though the FBI had "significant information regarding the involvement of narcotics traffickers in Contra operations" in its possession by that point. For its part, the State Department had "selected four companies owned and operated by narcotics traffickers to supply humanitarian assistance to the Contras." It was still doing business with one firm, DIACSA, six months after its principals were indicted for cocaine smuggling and money laundering.

Right-wing Cuban exiles with strong ties to the US government, especially the CIA, had been heavily involved in supporting the Contras: "Their help, which included supplies and training, was funded in part with drug money." Kerry's committee found that the largest Contra group, the Nicaraguan Democratic Force, "did move Contra funds through a narcotics trafficking enterprise and money laundering operation." This kind of activity was an open secret in government circles:

U.S. officials involved in assisting the Contras knew that drug smugglers were exploiting the clandestine infrastructure established to support the war and that Contras were receiving assistance derived from drug trafficking. Instead of reporting these individuals to the appropriate law enforcement agencies, it appears that some officials may have turned a blind eye to these activities.

Reagan administration official Oliver North's diary was heavily redacted before the Iran-Contra hearings, but it still contained entries like "Honduran DC-6 which is being used for runs out of New Orleans is probably being used for drug runs into U.S." from August 1985. The Panamanian dictator Manuel Noriega also benefited from Washington's indulgence, as the report pointed out: "Each U.S. government agency which had a relationship with Noriega turned a blind eye to his corruption and drug dealing, even as he was emerging as a key player on behalf of the Medellin cartel."

**TURNING A BLIND EYE** The findings of the Kerry Commission report offer ample support for the accusations of at least indirect CIA facilitation of the drug trade. Even the agency's inspector general, Frederick Hitz, grudgingly confirmed the broad thrust of the "turning a blind eye" charge: "There are instances where CIA did not in an expeditious or consistent fashion cut off relationships with individuals supporting the Contra program who were alleged to have



BELOW: Paratroopers from the US Army return to Fort Bragg on January 12, 1990, after the invasion of Panama on December 21, 1989.

A number of questions arise as a result of the selection of these four companies by the State Department for the provision of humanitarian assistance to the contras, to which the Subcommittee has been unable to obtain clear answers:

- Who selected these firms to provide services to the Contras, paid for with public funds, and what criteria were used for selecting them?
- Were any U.S. officials in the CIA, NSC, or State Department aware of the narcotics allegations associated with any of these companies? If so, why were these firms permitted to receive public funds on behalf of the Contras?
- Why were Contra suppliers not checked against federal law enforcement records that would have shown them to be either under active investigation as drug traffickers, or in the case of DIASCA, actually under indictment?

Ambassador Robert Duemling, Director of the Nicaraguan Humanitarian Assistance Organization (NHAO), who was responsible for the operation of the program, was unable to recall how these companies were selected, when questioned by Senator Kerry in April, 1988.<sup>36</sup> Ambassador Duemling also could not recall whether



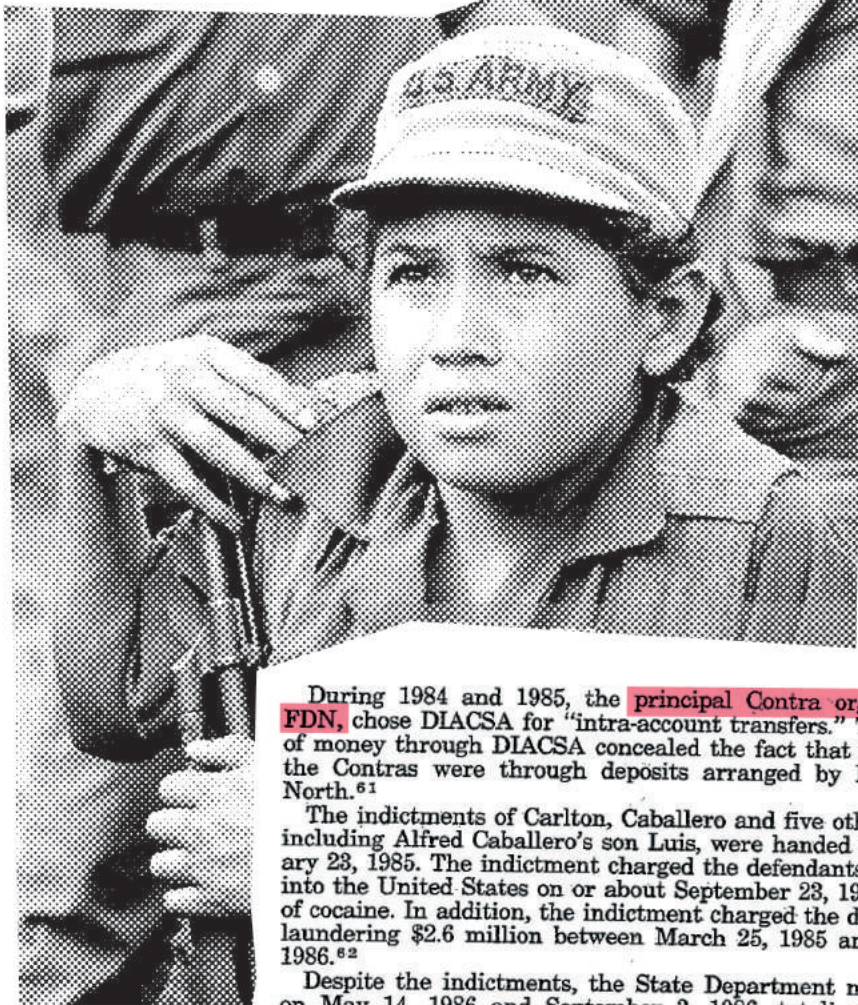
The FDN's arrangement with Moss and Hondur Carib was pursuant to a commercial agreement between the FDN's chief supply officer, Mario Calero, and Moss, under which Calero was to receive an ownership interest in Moss' company. The Subcommittee received documentation that one Moss plane, a DC-4, N90201, was used to move Contra goods from the United States to Honduras.<sup>42</sup> On the basis of information alleging that the plane was being used for drug smuggling, the Customs Service obtained a court order to place a concealed transponder on the plane.<sup>43</sup>

A second DC-4 controlled by Moss was chased off the west coast of Florida by the Customs Service while it was dumping what appeared to be a load of drugs, according to law enforcement personnel. When the plane landed at Port Charlotte no drugs were found on board, but the plane's registration was not in order and its last known owners were drug traffickers. Law enforcement personnel also found an address book aboard the plane, containing among other references the telephone numbers of some Contra officials and the Virginia telephone number of Robert Owen, Oliver North's courier.<sup>44</sup> A law enforcement inspection of the plane revealed the presence of significant marijuana residue.<sup>45</sup> DEA seized the aircraft on March 16, 1987.



Despite the information possessed by the FBI, Customs and other law enforcement agencies documenting Luis Rodriguez' involvement in narcotics trafficking and money laundering, the State Department used Frigorificos, which he owned and operated, to deliver humanitarian assistance funds to the Contras in late 1985. Official funds for the Contras from the United States began to be deposited into the Frigorificos account in early 1986, and continued until mid-1986.<sup>55</sup>

In May 1986, Senator Kerry advised the Justice Department, Drug Enforcement Agency, State Department, NHAO and CIA of allegations he had received involving Luis Rodriguez and his companies in drug trafficking and money laundering. In August 1986, the Foreign Relations Committee asked Justice whether the allegations about Luis Rodriguez were true, and requested documents to determine whether the State Department might have in fact provided funds to a company controlled by drug traffickers. Justice refused to answer the inquiry.



During 1984 and 1985, the principal Contra organization, the FDN, chose DIACSA for "intra-account transfers." The laundering of money through DIACSA concealed the fact that some funds for the Contras were through deposits arranged by Lt. Col. Oliver North.<sup>61</sup>

The indictments of Carlton, Caballero and five other defendants, including Alfred Caballero's son Luis, were handed down on January 23, 1985. The indictment charged the defendants with bringing into the United States on or about September 23, 1985, 900 pounds of cocaine. In addition, the indictment charged the defendants with laundering \$2.6 million between March 25, 1985 and January 13, 1986.<sup>62</sup>

Despite the indictments, the State Department made payments on May 14, 1986 and September 3, 1986, totaling \$41,120.90 to DIACSA to provide services to the Contras.<sup>63</sup>

In addition, the State Department was still doing business with DIACSA on its own behalf six months after the company's principals had been indicted. Court papers filed in the case in July 1986, show that the U.S. Embassies of Panama and Costa Rica were clients of DIACSA. While DIACSA and its principals were engaged in plea bargaining negotiations with the Justice Department regarding the cocaine trafficking and money laundering charges, U.S. Embassy personnel in Panama and Costa Rica were meeting with one of the defendants to discuss purchasing Cessna planes from the company.<sup>64</sup>

ABOVE: A young Contra soldier near the border of Nicaragua and Honduras.



■ In 1986, the CIA produced a report denying allegations of FDN atrocities made by several defectors from the group. Congressman Sam Gejdenson of the House Foreign Affairs Committee described the report as “incredibly sloppy at best and intentionally deceptive at worst.”

engaged in drug trafficking activity or take action to resolve the allegations.”

At this point, we might want to imagine the relevant quotes from Hitz or the Kerry report, but with the letters “KGB” in place of “CIA.” If Soviet intelligence agents had evinced a similar record of collusion with drug traffickers bringing tons of cocaine into the United States, we would not have been asking whether they deliberately set out to foster a social catastrophe or simply didn’t care what happened at the other end of their carefully constructed supply chains.

To put it another way: when banks like Wachovia and HSBC have had to pay out massive fines — \$1.9 billion in the case of HSBC — for helping Mexican cartels launder their profits, nobody has sought to defend them on the grounds that they just wanted to make money and only dealt with the cartels because those groups had plenty of it.

So how could “Managing a Nightmare” refer so confidently to the “CIA drug conspiracy story” as a discredited fable that bore a closer resemblance to *The X-Files* than *All The President’s Men*? Dujmovic declared himself to be pleasantly surprised by the record of the US media: “The journalistic profession has the will and the ability to hold its own members to certain standards.” Members of the CIA’s Public Affairs staff were soon “fielding calls from a variety of reporters who were skeptical of the allegations and who were planning to write articles casting doubt on the *Mercury-News* series.”

**GATEKEEPERS** In a 1997 article for the *Columbia Journalism Review*, Peter Kornbluh took a far more acerbic view of his colleagues’ record. As Kornbluh noted, there was a long history of gatekeeping in this field, which dated back to the release of the Iran-Contra report in November 1987:

When an investigative reporter rose to ask the lead counsel of the committees whether the lawmakers

had come across any connection between the contras and drug-smuggling, a *New York Times* correspondent screamed derisively at him from across the aisle: “Why don’t you ask a serious question?”

When John Kerry’s team published its own report two years later, the response of major press outlets “constituted little more than a collective yawn ... the *Washington Post* ran a short article on page A20 that focused as much on the infighting within the committee as on its findings; the *New York Times* ran a short piece on A8; the *Los Angeles Times* ran a 589-word story on A11.” The same newspapers devoted vastly more space to picking apart Gary Webb’s *Mercury News* series seven years later.

It was Webb and his editors who finally put the issue on the news agenda in 1996, assisted by the rise of the internet and by black radio stations that amplified (and sometimes embellished) the principal claims. America’s leading broadsheets then set about tearing Webb’s story down — in particular the *Los Angeles Times*, which assigned a squad of seventeen reporters to the task. One member described it pithily as the “get Gary Webb team.”

Inevitably, they were able to find some holes in the *Mercury News* articles. Reporting on the activity of criminal gangs, paramilitary groups, and intelligence agencies is not like reporting on Capitol Hill: the leading actors try very hard to cover their tracks, leaving major gaps in the documentary record, and individual pieces of evidence will often be open to multiple interpretations.

Even so, some of the “corrections” published by the *LA Times* were much more doubtful than Webb’s original reporting. One article accused Webb of grossly inflating the role of “Freeway” Rick Ross, a Los Angeles drug dealer who also features in Stanley Nelson’s 2021 documentary *Crack: Cocaine, Corruption & Conspiracy*. According to the *Times*, Ross was really a minor figure, of no great consequence in the

■ John Hull was a US farmer based in Costa Rica who worked closely with Oliver North to organize supply flights to the Contras and received \$10,000 a month from the FDN.

■ Jeffrey Feldman, the Assistant US Attorney for Florida's Southern District, was investigating alleged violations of the Neutrality Act by members of the Contra supply network.

story of crack. Yet it had published a story three years earlier making precisely the opposite claim, with a byline from one of the same reporters: "If there was an eye to the storm, if there was a criminal mastermind behind crack's decade-long reign, if there was one outlaw capitalist most responsible for flooding Los Angeles' streets with mass-marketed cocaine, his name was Freeway Rick."

Most of the rebuttals in US media really addressed a charge that Webb had not made but that soon became widespread in African-American communities: not only had the CIA turned a blind eye to drug trafficking, it had actually encouraged the proliferation of crack as part of a deliberate strategy to roll back the political gains of the 1960s and '70s. It was perfectly understandable, after the experiences of COINTELPRO, Reaganomics, and mass incarceration, that many black people were willing to believe such allegations. Even if the evidence does not support the strong version of this thesis, the well-documented truth is scarcely less damning.

In November 1996, CIA director John Deutch agreed to face the music at a community meeting in the Watts neighborhood of Los Angeles. On the eve of his appearance, Kornbluh summed up the agency's dilemma:

To counter extreme charges that the CIA targeted communities of color for crack distribution to finance the Contra war, Deutch must concede a different, but equally scandalous truth: the willingness of national security officials to consort with dope peddlers simply because they had a contribution to make to the covert war against Sandinista Nicaragua. It will be up to Deutch to convince those who have suffered from this chilling set of Cold War priorities that the CIA is now committed to preventing the criminalization of national security doctrine.

**POSITIVE PERSPECTIVES** The "Dark Alliance" story caught the public imagination because of its relevance to a catastrophic social problem in the United States itself. But the link between US foreign policy and drug trafficking did not begin or end with Central America in the 1980s. Clandestine operations foster such enterprises in much the same way that swamps foster malaria. In the 1950s, the CIA sent weapons to anti-communist Chinese warlords who had crossed over into northern Burma, enabling them to carve out their own slice of territory. The warlords started growing opium to fund their activities, and the Golden Triangle was born.

Robert Oakley, US ambassador to Pakistan between 1988 and 1991, complained that the local CIA station was working hand in glove with Afghan mujahideen leaders who were heavily involved in the narcotics trade, even after the withdrawal of Soviet troops:

I kept asking the Station to obtain information on this traffic from its sources inside Afghanistan. They denied that they had any sources capable of doing so. They could not deny that they had sources, since we were getting information on weapons and other matters. I even raised the matter with [CIA chief] Bill Webster. Never got a satisfactory answer. Nothing ever happened.

Langley's chosen partners included future Taliban ally Gulbuddin Hekmatyar.

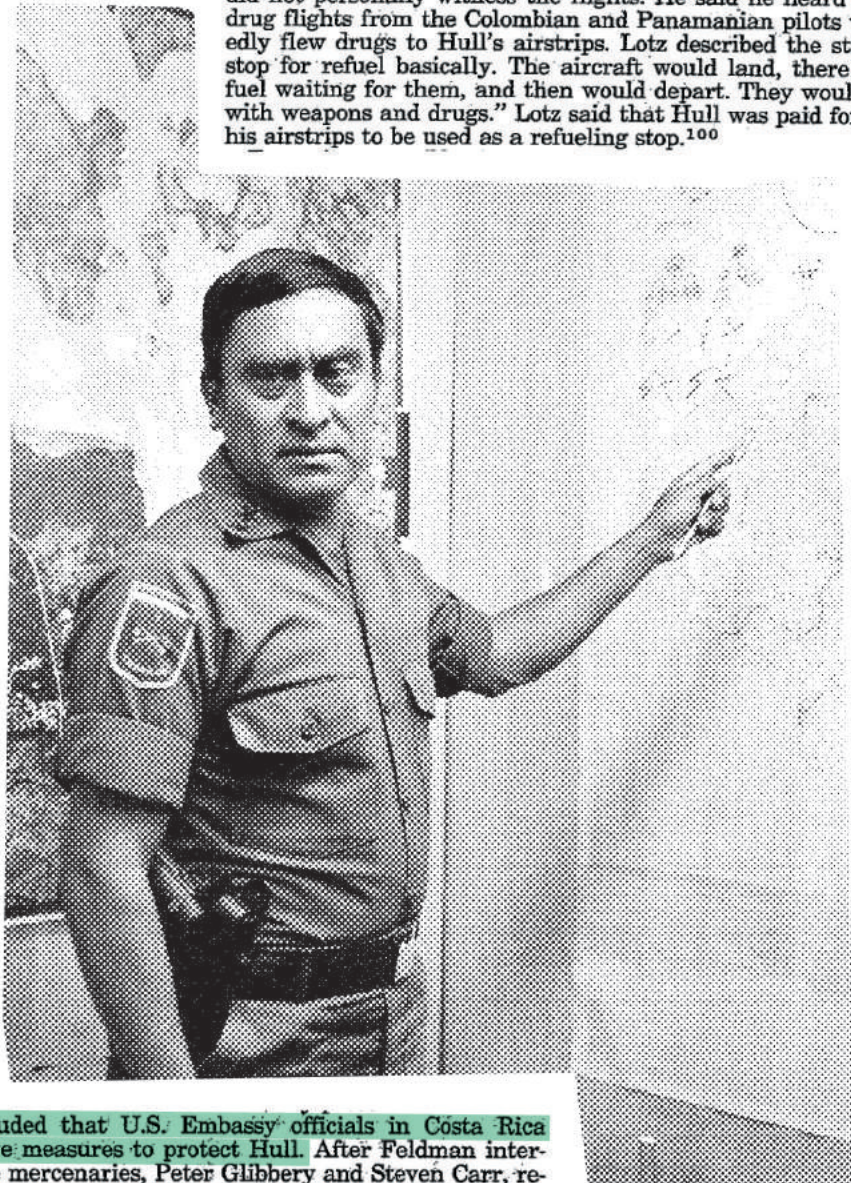
The Kerry report linked the practices that it documented in Latin America to the wider environment of the Cold War: "the operations of the cartels too often have been viewed as an adjunct to what has been perceived as the more important issue of East-West conflict in the region." Soon after the report's appearance, the Berlin Wall came down, but the "criminalization of national security doctrine" has still been very much in evidence over the last three decades.



**BELOW:** A commander of a counterinsurgency unit points to a map describing FMLN guerrilla movement and infiltration routes at the military headquarters in El Salvador, 1982.

Five witnesses testified that Hull was involved in cocaine trafficking: Floyd Carlton, Werner Lotz, Jose Blandon, George Morales, and Gary Betzner. Betzner was the only witness who testified that he was actually present to witness cocaine being loaded onto planes headed for the United States in Hull's presence.

Lotz said that drugs were flown into Hull's ranch, but that he did not personally witness the flights. He said he heard about the drug flights from the Colombian and Panamanian pilots who allegedly flew drugs to Hull's airstrips. Lotz described the strips as "a stop for refuel basically. The aircraft would land, there would be fuel waiting for them, and then would depart. They would come in with weapons and drugs." Lotz said that Hull was paid for allowing his airstrips to be used as a refueling stop.<sup>100</sup>



Feldman concluded that U.S. Embassy officials in Costa Rica were taking active measures to protect Hull. After Feldman interviewed two of the mercenaries, Peter Glibbery and Steven Carr, regarding their allegations of Hull's involvement in criminal activity, Feldman learned that Kirk Kotula, Consul in San Jose, was "trying to get Carr and the rest of these people to recant their statements regarding Hull's involvement with the CIA and with any other American agency."<sup>109</sup> Feldman added "... it was apparent we were stirring up some problem with our inquiries concerning John Hull."<sup>110</sup> Feldman concluded that because Hull was receiving protection from some US officials, that it would not be possible to interview him. Feldman therefore took no further steps to do so.<sup>111</sup>



## X. THE CUBAN-AMERICAN CONNECTION

Several groups of Miami-based Cuba Americans provided direct and indirect support for the Southern Front during the period that the Boland Amendment prohibited official U.S. government assistance. Their help, which included supplies and training, was funded in part with drug money.<sup>130</sup>



Senior U.S. Government officials intervened with a federal judge to obtain a reduction to five years in the sentence for Honduran General Jose Bueso-Rosa, who was convicted in 1985 of conspiring to assassinate President Suazo Cordoba of Honduras. The assassination attempt was to have been financed by the proceeds from the sale in the United States of \$40 million in cocaine seized in connection with the plot. The other defendants in the case received sentences as long as forty years.

In addition, officials of the U.S. government intervened to ensure that Bueso-Rosa served out his sentence in a minimum security facility at a U.S. military base in Florida. The officials intervened because the general was a friend of the U.S. government and had been of particular help to the U.S. military in Honduras. According to the Admissions of the United States in the criminal trial of Oliver North, "Lt. Col. North suggested that efforts be made on Bueso-Rosa's behalf to deter him from disclosing details of [his support of the Contras]."<sup>3</sup>

These officials seemed unconcerned that the Justice Department had touted the conspiracy as the "most significant case of narco-terrorism yet discovered."<sup>4</sup>

ABOVE: Anti-Sandinista forces of Nicaragua practice drills and exercises at a military base in Honduras.

■ In May 1984, shortly before he began plotting to assassinate the president of his country, Bueso Rosa received the Legion of Merit from the Reagan administration for “exceptionally meritorious conduct in the performance of outstanding services.”

The US relationship with Colombian president Álvaro Uribe offers one striking example. During his first term in office, Uribe brought in the so-called “Justice and Peace Law,” granting amnesty to right-wing paramilitary leaders who had killed many thousands of Colombian civilians. The Colombian courts later ruled that the terms of the law were unconstitutional. The paramilitary chiefs, now facing the prospect of serious jail time, felt that Uribe had betrayed them, and they were about to start speaking freely about his long record of collusion with their activities.

Happily for Uribe, he had friends in Washington ready to help him out of a sticky situation. The paramilitaries were wanted for drug trafficking offenses in the United States, but Uribe had hitherto refused to extradite them. He suddenly reversed that policy and had them bundled out of the country overnight so that no Colombian judge could interfere. Infamous figures like Salvatore Mancuso now passed into the hands of the US authorities.

A 2016 *New York Times* investigation found some extraordinary irregularities in the handling of their cases:

The leaders extradited en masse will have served an average of 10 years, at most, for drug conspiracies that involved tons of cocaine. By comparison, federal inmates convicted of crack cocaine trafficking — mostly street-level dealers who sold less than an ounce — serve on average just over 12 years in prison .... [T]hey were treated as first-time offenders despite extensive criminal histories in Colombia; and they received credit for time served there, even though the official rationale for their extradition was that they were committing crimes in Colombian jails.

US legal officials involved in handling the men’s cases, none of which went to trial, had no qualms about expressing their admiration and respect for the narcos. One judge described the man he was sentencing as being “substantively different” from run-of-the-mill crime lords, since he used the money from drug trafficking to help fund a war against the Colombian left: “he was engaged in some activity that had some positive perspectives.” A federal narcotics prosecutor was equally generous in his assessment: “Clearly, they did some nasty things. But, you know, it was a civil war down there. I always wanted to believe that if I was put in the same situation, I would have done things differently. But I don’t know.”

By any rational standard, the fact that the paramilitary leaders had used their drug profits to pay for a campaign of mass murder should have been an aggravating factor, resulting in stiffer sentences.

The dark alliances that helped foster a social calamity during the 1980s and ’90s fit into a much larger pattern. There’s a chasm between “national security” as interpreted by government agencies like the CIA and the actual security of US citizens. In the name of protecting the homeland and keeping its people safe, these agencies have consistently pursued policies that increased the dangers they were supposed to combat.

The work of reporters like Gary Webb brought that reality home to everyone who suffered, directly or indirectly, from the explosion of crack addiction and the violent criminality that accompanied it. The intelligence agency’s PR nightmare was the shadow cast by a real nightmare in urban neighborhoods throughout the United States. ■

# Cultural Capital

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*CLEAVER* BY  
CHRISTOPHER MOLTISANTI





# Everywhere Grime in America, Terrible Time in America

Forget the parodies — *West Side Story* was an epic musical about gang violence that was as hard-hitting as it was stunning.

This year marks the sixtieth anniversary of the film *West Side Story*. If you're only familiar with this landmark musical from the innumerable spoofs of it in sitcoms and sketch comedy, you're at least vaguely aware of the way it portrayed the violent conflicts of warring street gangs through song and dance numbers. See the late, great Norm Macdonald in the "Cobras and Panthers" skit on *Saturday Night Live*, as just one of many examples.

It's clear that some degree of machismo motivates a lot of these

spoofs, along with the waning of the once enormous popularity of the film musical since the late 1960s. But even in its heyday, it was startling — and, to some, off-putting — to find such intense topical issues tackled in a genre thought of as the frothiest, lightest, and most romantic of them all. The hitmaking team of Rodgers and Hammerstein had been building toward this, addressing themes like racism in shows such as *South Pacific* as far back as 1949. But the 1957 stage version of *West Side Story* took a far more radical approach, with its

gritty slum setting, depictions of deadly gang violence, and scornful satire of corrupt, racist policing.

If you've never seen *West Side Story*, or not recently, you might not realize how hard-hitting it is. Both warring gangs vying for turf hate the vicious goon cops policing their neighborhood and refuse to cooperate with them. In a scene in which the gangs are planning a rumble at the local candy store, the bigoted cop Lieutenant Schrank kicks out the Puerto Rican gang, the Sharks, saying scornfully, "Oh yeah, sure, I know. It's a free country, and I



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**Anyone attempting to  
remake a masterpiece like this  
must be out of their mind.**

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ain't got the right. But I got a badge. Whatta *you* got?" The Sharks leave, sardonically whistling the anthem "America," the opening lyrics of which go, "My country, 'tis of thee, sweet land of liberty, of thee I sing ..."

Schrank then tries to bond with the rival gang the Jets over their shared bigotry, and when that doesn't work, he erupts at them, too, calling the various teenagers of Irish, Polish, and Italian descent the children of "immigrant scum." It's one of several tantalizing scenes when both gangs, rightly identifying the police as their most immediate oppressors in a brutal system, seem for a moment as if they might be able to overcome mutual

antipathy to bond together against their real enemy.

You may be more familiar with the comic song "Gee, Officer Krupke," sung by the Jets. They're mocking the way "juvenile delinquents" such as themselves are seen by judges, psychiatrists, and social workers as they're ground through a stupidly incompetent system, starting with their inevitable early encounters with the cops. But most memorable is "America," performed by the Sharks and their girlfriends on a tenement building rooftop. Led by the dazzling Rita Moreno as Anita and George Chakiris as Bernardo, the young women defend their new homeland for the freedoms and comforts it provides

while the young men condemn its discrimination and expense.

So, come for the still-sharp cultural commentary, and stay for the brilliance of the cinematic achievement overall. *West Side Story*, which was loosely based on Shakespeare's *Romeo and Juliet*, represents genius at work at every level. The screenplay from Ernest Lehman was adapted from Arthur Laurents's stage book, with Leonard Bernstein's score featuring lyrics by a young Stephen Sondheim. Jerome Robbins choreographed the dances, and he was considered so indispensable to the performances that he was brought on as the film's codirector with Robert Wise, editor of *Citizen Kane* and

Everywhere

a legendary director in his own right. Working with a sensation-ally talented cast including Natalie Wood and Richard Beymer as the young lovers, and Russ Tamblyn as leader of the Jets, Robbins had to train nondancers like Wood as well as accomplished dancers like Moreno, Tamblyn, and Chakiris — and make them all look good. Robbins was ultimately fired for his extreme perfectionism, but not before he got his dancers thoroughly rehearsed in numbers that even the most seasoned found taxing in their level of complexity.

There's so much brilliant innovation on display that you can watch *West Side Story* just to study any single aspect of it — the extraordinary color scheme, for one, which was arrived at through a collaboration involving the directors, the production designer Boris Leven, the cinematographer Daniel L. Fapp, and the costume designer Irene Sharaff. You'll wait a long time to see another film as boldly designed as this one, with furiously clashing colors augmenting scenes of youthful rage, angst, and ardor, with agitating red backdrops the most daring choice. The Sharks win the battle of color, looking far more fabulous in saturated reds, oranges, yellows, and purples than the Jets do in blues, greens, and earth tones. But then, everyone knows the Sharks are cooler. Ballet legend Mikhail Baryshnikov remembered being a stocky Russian teenager so awed by the bladelike dancer's beauty of George Chakiris that he

obsessively replicated Bernardo's black suit and skinny tie with purple shirt.

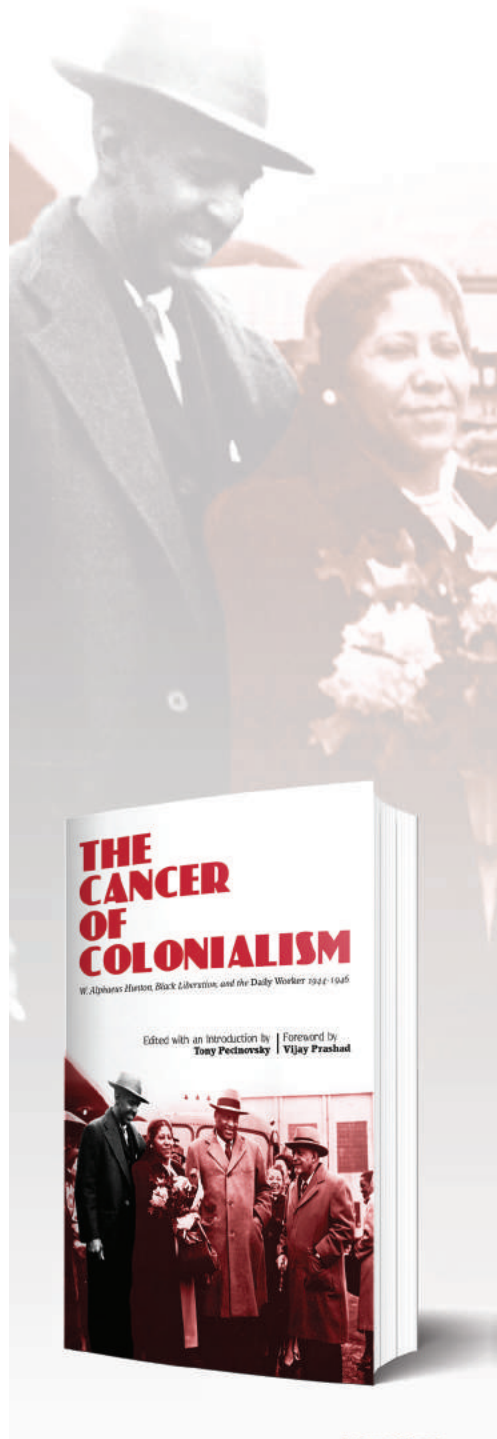
But it's the simplest effects in the film that are some of the most haunting. The opening helicopter shots of Manhattan, with the few notes of the gang members' whistled signals, can't be beat for dramatic impact. And that inspired buildup toward musical performance in an on-location setting is still a model, with a few finger snaps increasing in intensity as the Jets begin to walk in rhythm across the rough urban playground, before their first arms-wide, space-claiming dance movements, expressing what freedom they've claimed for themselves in a constricted, chain-link-fenced world of harsh barriers.

There's a Steven Spielberg remake about to be released this Christmas. From the trailer, it's clear that this version isn't any kind of bold reimagining — the Sharks and the Jets haven't been transported to a twenty-first-century Parisian *banlieue* or anything like that. Like the original, Spielberg's *West Side Story* is still set in 1950s New York City.

That's a pretty insane choice on his part. Because it invalidates what might've been a compelling reason to do another version of *West Side Story*. Anyone attempting to do a straight remake of this iconic film, which is renowned for its cinematic splendor and musical brilliance, must be out of their mind. ■

# THE CANCER OF COLONIALISM

*W. Alphaeus Hunton, Black Liberation, and the Daily Worker 1944-1946*



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# Breaking up the Party

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Britain is rightly known for its multicultural popular music — but these musical styles have frequently emerged in the face of legal attempts to suppress them.



The year 2007 should have been the year that British grime music burst out from the underground. Drawing on the realities of urban life in Tony Blair's Britain — as well as decades of black British creativity from dancehall to jungle — this new music had a network of musicians, MCs, and promoters, as well as the audience to take over the mainstream. But it was at this exact point that a new risk assessment protocol introduced by the Metropolitan Police choked the prospects of grime's live success.

Form 696 demanded that promoters provide names, addresses, telephone numbers, and dates of birth for all artists performing at an event, to be delivered two weeks before any proposed show. Crucially, the form also asked which particular ethnic group would be attending, and which musical style would be played.

When promoters did not comply, events were closed down on an industrial scale. Plainclothes policemen turned up at venues and searched performers as they

left. Mainstream department stores were pressured to cancel promotional signings by black grime stars. The moral panic around grime seemed to belong to a climate of fears over antisocial behavior — often policing simply the crime of being working class or black in public space.

Form 696 was the most recent in a long history of the British state using legal means to shut down emerging music cultures throughout the postwar era. In the late 1950s, first-generation

Caribbean immigrants in South London found the English pub culture not only hostile but remarkably devoid of music and festivity. A network of live music bars was created, mostly centered around jazz performances, but also on dancing along to imported records.

Few of these predominantly basement bars held more than fifty people, and they were distinctly egalitarian in comparison to the city's main West End jazz scene. Where that scene is chronicled in novels and BBC documentaries, we'll never know too much about the basement jazz scene — it was quickly eradicated by the London police as part of Brixton's "Operation Shutdown." White locals aided this attack on the spurious grounds that the bars were damaging the respectability of their neighborhood. At the dawn of the 1960s, there were nearly thirty such clubs. By November 1963, the *South London Press* reported the closure of Brixton's "last coloured club."

"To observers of the Brixton scene a few years ago," the paper continued, "such a happening would never have been foreseen." Just who would and wouldn't get to swing in 1960s London fell along sharply racial lines.

This is important when considering the legal attempts to quash punk rock in the next decade. Emerging in 1976, British punk immediately attracted state attention through its rowdy audience and a lyrical content and imagery that its opponents

correctly identified as flirting with antiestablishment, even blasphemous, ideas.

The Greater London Council (GLC), then controlled by a Conservative majority, operated an effective blacklist against punk concerts. Clubs like the Roxy, where punk music was flourishing, were put under surveillance. Across Britain, councils took their lead from the GLC, and groups like the Sex Pistols found their concerts banned through 1977. A few short years later, punk and post-punk artists would play alongside reggae acts in support of a very different, left-wing GLC — against its abolition at the hands of the Margaret Thatcher government.

The repressive atmosphere of the Thatcher years would feed into perhaps the definitive British moral panic around music. Acid house hit the UK around 1988 and saw large-scale gatherings of kids in fields from Blackburn to Buckinghamshire enjoying new developments in electronic music, along with the newly available drug MDMA.

In 1992, the gargantuan Castle-morton Common Festival saw an estimated twenty to forty thousand ravers take control of an area of the southern English countryside for a full week. Right-wing tabloids demanded that something be done. That something was the 1994 Criminal Justice and Public Order Act (CJA), devised by home secretary Michael Howard. Popular memory recalls the legislation's mockable

reference to the "emission of a succession of repetitive beats," but it obscures the wider damage this exceptionally draconian legislation would cause.

Acid house had coincided with, and intersected with, the emergence of New Age travelers in the late 1980s. After a brutal raid on a traveler settlement in Hampshire in 1986, Thatcher told the House of Commons she would be "only too delighted to do anything we can to make life difficult for such things as hippie convoys." The CJA would do that and more.

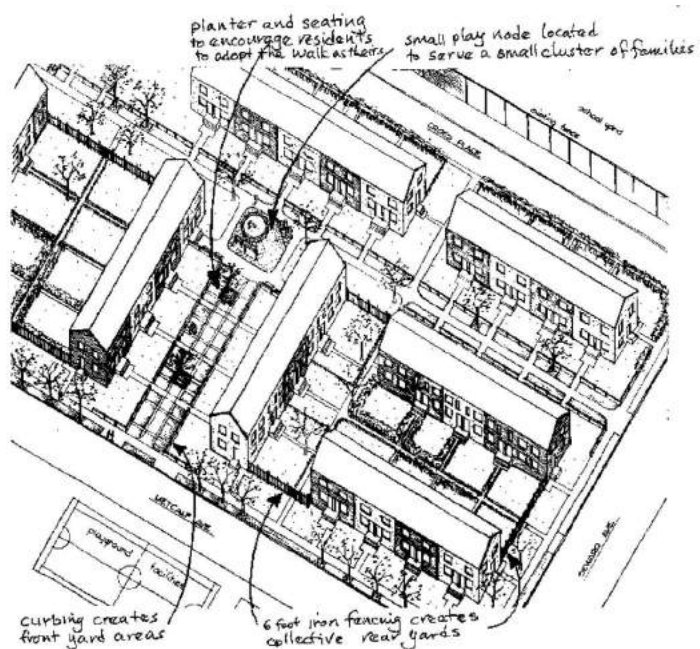
With New Age travelers in its sights, the act repealed progressive 1960s laws protecting the rights to caravan sites. Police powers of stop and search were widened, and the scope of the law included anyone who was squatting or engaged in direct action such as anti-road protests or the sabotage of fox hunting.

What happens when the state cracks down on popular music culture? Careers wither, moments are lost, history forgets. Young people have a right to pleasure, but the implications are wider than that. Like the sound of wailing jazz trumpets in sweaty basements, or crude belches of electronic beats in fields, music can be part of imagining different ideas of solidarity, of being alive. No wonder, then, that many consider it a threat. ■



# Planned Paranoia

There's a reason why urban housing developments and suburban subdivisions can seem threatening and unwelcoming to outsiders: they're planned that way, in order to "design out crime."



Defense was always built into cities. From Beijing to Lisbon, cities throughout history were reinforced by castles and ringed with protective, turreted stone walls to secure them against hostile outside forces from outside. But it was only in the nineteenth century that their rulers decided to protect them from the majority of the people *inside* as well.

It was an open secret in Napoleon III's Paris that the beautification efforts under its planner, Baron

Hausmann, were predicated on the occasional need to shoot protesting workers. The wide boulevards, intended to discourage barricades and create free-fire zones, were abundantly used in the suppression of the Paris Commune and became an inspiration to authoritarian city planners from New Delhi to Moscow. In the 1970s, however, a novel planning innovation emerged, which claimed to protect city dwellers from a new enemy — themselves.

There was a sharp rise in petty and violent crime between the 1950s and 1980s, which happened to coincide with the mass construction of new public housing. As much of this crime happened to poor people in the places poor people lived, a link was made between the design of these new housing developments and the levels of crime. Jane Jacobs believed that crime was kept low in certain areas through natural surveillance created by "eyes on the street," and that new public



housing's spacious and open layouts discouraged this.

This idea was gradually adapted into policy. The main figure responsible for making it a reality was the planner Oscar Newman, whose theory of “defensible space” made analogies with the natural world and spliced them together with observations of New York City Housing Authority projects. He argued that public spaces — owned, in theory, by everybody — would always be interpreted as belonging to nobody, and therefore criminals would prey on these inherently unpoliced and unpoliceable zones.

Newman advocated breaking up the large, green, public areas of the new housing developments so that individuals or small groups of people could “take ownership” of the spaces. In theory, every housing project should become a series of castles, where residents protected their little spot against miscreants.

From the 1990s onward, crime declined, but the dominant explanation for why it had happened did not. In fact, the defensible space theory was written into law. In the United States, there was Crime Prevention Through Environmental Design (CPTED), and in Britain, Secured by Design, which specifically involved the police in the layout of housing estates.

The British version, in a country where even the outer suburbs lack space, was particularly grim. Newman's analogue in the UK was the geographer Alice Coleman,

whose unit at the London School of Economics tallied up the number of feces and broken windows on housing estates all over the country. But the principal use of Newman's theories actually took place in the old colony of Northern Ireland.

The start of the Troubles in the 1960s led to the violent breakup of mixed areas of cities across the six counties. Northern Ireland's public housing authority built on this to redesign areas such as the Shankill Road and Falls Road in West Belfast as groups of enclosed cul-de-sacs, one for each community divided by a “peace wall.” These tiny brick houses in introverted, enclosed layouts, protected from the other side and from traffic by tall brick walls, closely resembled the standard new housing estates in English suburbs. In the process, they made it apparent that this was military planning moving into the home. But while, in Belfast, it was obvious who the houses were being protected against, elsewhere, it was less clear.

After a decade or so of Secured by Design in Britain, the writer Anna Minton surveyed the results in her 2009 book *Ground Control: Fear and Happiness in the Twenty-First-Century City*. In London and Manchester, she found bleak, barren new housing that actively discouraged the easy street life and happy accidents Jane Jacobs saw accompanying “eyes on the street” — instead, the eyes were concentrated on single entry points to the new housing, making every unfamiliar visitor a

possible threat, particularly if their racial or class profile did not match that of the housing estate. Added to this was the ubiquitous use of tall, often spiked fences — which demarcated the line between the “affordable housing” and the market-priced housing in new developments — and closed-circuit television (CCTV) cameras, which, after China, made the UK the world's most surveilled country.

What was the effect of all this? In the New Labour era, when Secured by Design and CCTV were rolled out most extensively, petty and violent crime continued to decline sharply, falling year after year throughout the late 1990s and the 2000s. It fell especially dramatically in places that contradicted Secured by Design guidelines, such as nineteenth-century grid-planned streets and 1960s housing estates.

Yet throughout this period, the *fear* of crime increased at a similar rate to the decrease in actual crime. Some explanation of this could be found, of course, in the scare stories of an inflammatory right-wing press. But Minton argued that urban design and planning had much to do with it as well.

The defensible space planners had won — many people did indeed act as if the areas they lived in were under constant threat from violent outsiders, even when the actual threat had almost ceased to exist. To each their own fortress. ■

# Did the LAPD Kill the Notorious B.I.G.?

Criminal police officers ran law enforcement in 1990s Los Angeles — and they may have a story to tell.



Few events inspire the kind of frenzied speculation as the murder of rap star Christopher Wallace, aka Biggie Smalls, who was gunned down in 1997 while leaving a Los Angeles awards show after-party. Was it the FBI who orchestrated the hit, bent on ending the gangster rap culture that defined the '90s? Was it Sean “Diddy” Combs, his friend and producer, who wanted to drive up sales of what would become Biggie’s posthumous sophomore album? Or is Biggie still alive, living it up in some exotic locale with rap rival Tupac Shakur, shot to death in similarly murky circumstances just six months prior?

As is often the case with conspiracy theories, the likely reality is at once more banal and more menacing than any of these. Though Biggie’s murder is still officially unsolved, decades of investigative work suggest that the emcee’s killing was the by-product of criminal elements within law enforcement itself.

The most promising theory for Biggie’s murder is still the one originally advanced by former Los Angeles Police Department (LAPD) detective Russell Poole, later immortalized in Randall Sullivan’s 2002 tome *LAbyrinth*. Poole, who died in 2015, spent a year investigating the killing for

the LAPD’s robbery and homicide division, until he saw no option but to quit the force, accusing the top brass of frustrating his efforts at every turn.

What Poole uncovered was a criminal faction of gang-affiliated LAPD officers who worked off-duty security for Suge Knight, the CEO of Death Row Records, Shakur’s former label and the leading rival of Combs’s New York-based Bad Boy Records. The hit on Biggie, Poole concluded, had been ordered by Knight and orchestrated by two of these cops, David Mack and Rafael Pérez, who hired Mack’s former college classmate and Nation of Islam

member Amir Muhammad to carry out the killing.

With the LAPD only a few years out from the Rodney King scandal, its leadership then worked to box in the investigation before it brought further disrepute to the department. LAPD chief at the time Bernard Parks, who had higher political ambitions, happened to have personally recruited Mack and Pérez, and thirty-year LAPD veteran Xavier Hermosillo later claimed to have seen a photo among case files of Parks's daughter, briefly hit with drug trafficking charges in 1998, posing with the two cops, who were clad in Blood gang colors — which he says then mysteriously disappeared.

Poole found his key piece of evidence when Mack was arrested for stealing more than \$700,000 in an armed robbery of a South Central Los Angeles bank. Searching his home, Poole found not only the exact type of rare German-made ammunition that had been used to kill Biggie but the same kind of black Chevy Impala with chrome wheels as the one that had pulled up to fire six of the 9mm rounds at the rapper that night. But Poole's superiors wouldn't let him run forensics or ballistics on either to prove a connection to the 1997 murder.

In the years since, new disclosures gave Poole's theory added weight. A later FBI investigation came to virtually the same conclusions as him, and with the same results, with former agent Phil Carson alleging that he'd been "shut down by LAPD and city attorneys inside

Los Angeles" and calling it "the biggest miscarriage of justice in my twenty-year career at the FBI." In 2020's *The Dossier*, a twenty-episode podcast based partly on Poole and Carson's work, journalist Don Sikorski revealed, among other things, a 2001 LAPD Internal Affairs report documenting the ties between the city's cops and Death Row Records, as well as the testimony of jailhouse informants who confirmed Knight's, Mack's, and Pérez's roles in the murder. Those informants leveled additional claims: that the money from Mack's bank robbery was meant to pay Muhammad, who Knight had stiffed after he'd failed to kill Combs, the other intended target that night.

But while the brass successfully kept a lid on the case, it instead spun out into an entirely different scandal when Pérez was later caught stealing cocaine from evidence to sell on the street. The resulting deal Pérez cut with authorities culminated in the sprawling Rampart scandal, in which dozens of the unit's officers — which included Mack and other Death Row-affiliated cops — were found to be working as a street gang operating within the LAPD: stealing and selling drugs, planting and covering up evidence, carrying out vicious abuse, and retaliating against accusers. The investigation led to a hundred convictions being overturned, launched 140 civil lawsuits and \$125 million worth of settlements, and saw nine officers prosecuted and close to two dozen suspended or fired.

Police gangs aren't a problem unique to Los Angeles. As LA reporter Cerise Castle has detailed, for decades, the Los Angeles County Sheriff's Department (LASD) — responsible for the county's unincorporated areas and other cities, including Compton — has been quietly dominated by "deputy gangs" like the Vikings, the Banditos, and the Executioners. Members' claims that these are merely "social clubs" and "drinking groups" are belied by their gang-like behavior: not just distinctive clothing, tattoos, signs, and initiation rituals but criminal activities like extortion, murder, and intimidation of enemies, a category that often includes clean cops and whistleblowers.

Such problems persist within the LAPD, too, despite officials' claims that the department cleaned itself up after Rampart. Last year, a former sergeant in the LAPD Metropolitan Division SWAT team filed a lawsuit alleging the existence of a "SWAT Mafia" within the unit whose members "glamorize the use of lethal force, and direct the promotions of officers who share the same values while maligning the reputations of officers who do not." The wider Metro division had already drawn scandal for doing what one civil rights lawyer called "stop-and-frisk in a car," as well as complaints of excessive force. Since then, ten of its officers have been charged for falsely labeling motorists as gang members in the state's gang database.

Even when they lack the matching tattoos and names, police



departments around the country exhibit gang-like tendencies, namely by closing ranks to protect their fellow officers, no matter how dirty. Whether in Baltimore, Spokane, or Weirton, officers who have complained about or refused to engage in questionable behavior faced ostracism and more aggressive forms of retaliation within their departments. Shannon Spalding, a Chicago narcotics officer who helped expose an extortion ring within the city's police department and forced the city to acknowledge its code of silence, was first bribed and then threatened by colleagues to shut her up.

This was the mindset Poole encountered all those years ago, as his investigation into Biggie's murder turned up more and more evidence of wrongdoing within the LAPD. Poole was not only stifled and undermined by his superiors, he soon started getting "looks [and] raised eyebrows" from other detectives, too, and he became "an outcast," as he told Sullivan. Poole's father, himself an LASD veteran, recounted to his son the time he'd nearly caught a group beating for testifying against another deputy who had planted a gun on a suspect he killed, and he told Poole that the nature of policing created an us-versus-them

mentality that meant cops always protect one of their own.

A bill banning police gangs is currently sitting on Gavin Newsom's desk. But even if the California governor signs it, what's rotten with US policing won't be solved without many further measures, from stringent whistleblower protections to legal consequences for abusive officers.

More than two decades later, Biggie's murder is remembered as a symbol of the tragic costs of gang violence. It should also remind us that some of the worst gangbangers wear badges. ■

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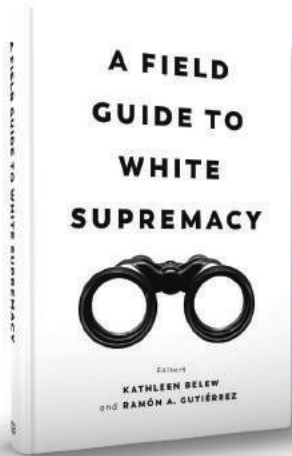
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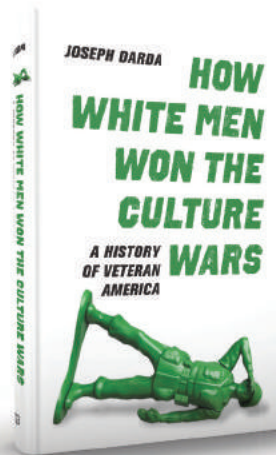


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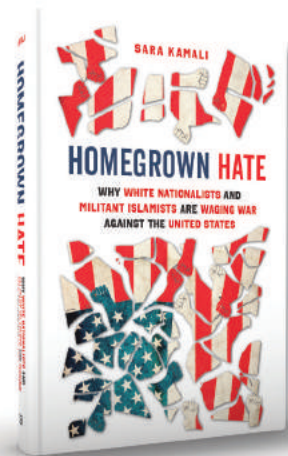


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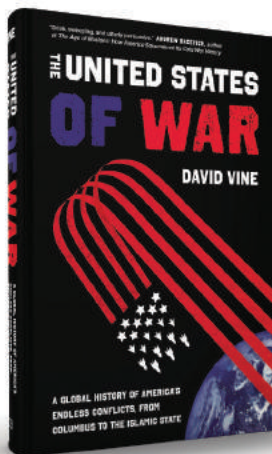
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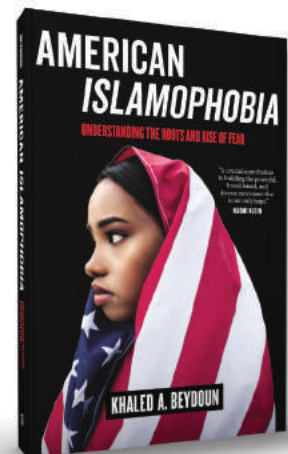
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# a BRAZILIAN BLOODBATH

**WHEN LULA AND THE WORKERS' PARTY TOOK POWER IN BRAZIL, THEY HAD A PLAN TO TAKE ON CRIME AND THE POWER OF THE POLICE. THEIR FAILURE HELPED UNDERMINE THEIR ENTIRE PROGRAM.**

**MOUTHS OPEN, EYES CLOSED,** faces spattered with blood, two freshly decapitated heads lie on a filthy floor. A pushcart full of dismembered limbs stands in front of a wall of iron bars as men yell in the background. These are just two of many brutal scenes captured in shaky cell phone videos that spread across Brazil in January 2017.

The Northern Family criminal syndicate had staged a rebellion at the overcrowded Anísio Jobim prison complex in the Amazonian city of Manaus, home to over 1,200 prisoners, more than double its maximum capacity. Within hours, they had executed fifty-six alleged members of their São Paulo-based rival, the First Command of the Capital, or PCC, the most powerful syndicate in Brazil.

Days later, 450 miles to the north, the PCC responded at another penitentiary in the state of Roraima with thirty decapitations. Videos of human hearts being removed from bodies made the rounds on messaging apps. “Here is the answer for you — you



killed our brothers in Manaus, and now you're going to pay for it." It was a particularly gruesome episode in a cycle of violence that the Brazilian government appears powerless — or unwilling — to stop.

More than thirty-five years after the rebirth of democracy in the country, in many of Brazil's favelas, prisons, and remote rural villages, criminal gangs rule with impunity. Their violence and terror seeps into the surrounding communities of the relatively privileged and pervades the body politic. Like colonial barons, their power is granted with the connivance of local governments. And, just like the olden days, everyone is expected to kick up a fat share of their ill-gotten spoils.

Corrupt law enforcement in many areas decided in recent years to forego the middlemen and establish their own paramilitary mafias, dubbed militias, to control the streets themselves. These mafias have innovated in cruelty and methods of extortion and far surpassed

**TODAY, GANGS TIED INTO GLOBAL MARKETS HAVE RIFLES POWERFUL ENOUGH TO SHOOT DOWN ARMORED HELICOPTERS — AND EVEN A ROCKET LAUNCHER OR TWO.**

traditional drug gangs in their ability to capture state institutions, pushing Brazil's drug war to new frontiers. Decades ago, criminals carried rusty revolvers. Today, gangs tied into global markets have rifles powerful enough to shoot down armored helicopters — and even a rocket launcher or two.

In its mainstream press, Brazil's rampant armed violence is mostly treated as a police question — and, as a result, politicians have invested in armored vehicles and allowed cops to gleefully lean into President Jair Bolsonaro's "shoot first, ask questions later" approach to their work.

In deeply unequal Brazil, it is the oligarchs, the fear-mongering right-wing politicians, the dirty cops and military men who most profit from and perpetuate the violence that serves as a mechanism for and justification of social control. The poor and working classes, overwhelmingly black, suffer almost all the consequences. It would be reasonable for you to assume, then, that the Brazilian Left is laser-focused on the issue of public safety and brimming with winning proposals to end the madness.

You'd be wrong. The Left's failure on public security is one of the most puzzling and complicated political realities in a country notorious for its inscrutable politics.

#### **DAILY INDIGNITIES**

Rampant and increasingly hyperviolent criminality does not impact all Brazilians equally, but the terror and despair it instills is nearly universal. Brazilians are afraid to leave their homes and walk down their own streets. A 2018 survey of Rio de Janeiro residents — a city with a typical homicide rate by Brazilian standards, but 5.7 times the average for US cities that year — found that 92 percent worry every day that they will be hit by a stray bullet.

They're also angry. Angry at the criminals who rob them; at the police who are rarely there when they need them; at the justice system that — despite locking up suspects and throwing them in medieval prisons at record levels — is seen as soft on crime, corrupt, and ineffective; at the politicians, with their empty promises and fake smiles. Angry at the indignity of living with it all in a country so beautiful and rich in natural resources.

Public insecurity is perhaps the best prism through which one can understand Brazil's often bewildering politics. It is at the root of Bolsonaro's ascent to power, the rise of the anti-corruption movement that led to the



impeachment of president Dilma Rousseff, the imprisonment of former president Luiz Inácio Lula da Silva, the nationwide repudiation of their Workers' Party (PT) in the last elections, and the Left's struggle to conquer the hearts and minds of the Brazilian poor and working class.

The PT was in power for more than thirteen consecutive years and came into government with bold proposals to tackle violence, decriminalize drug use, reimagine the prison system, and, for the first time in history, seriously address crime's underlying causes. How is it possible, then, that homicides have increased, the prison population has ballooned, the war on drugs has only intensified, and law enforcement criminality is a more serious threat than ever? And how can it be that, despite Rio de Janeiro alone recording more police killings per year than the entire United States, the overwhelming majority of Brazilians are clamoring for more cops on the streets?

## BLOOD ON THE STREETS

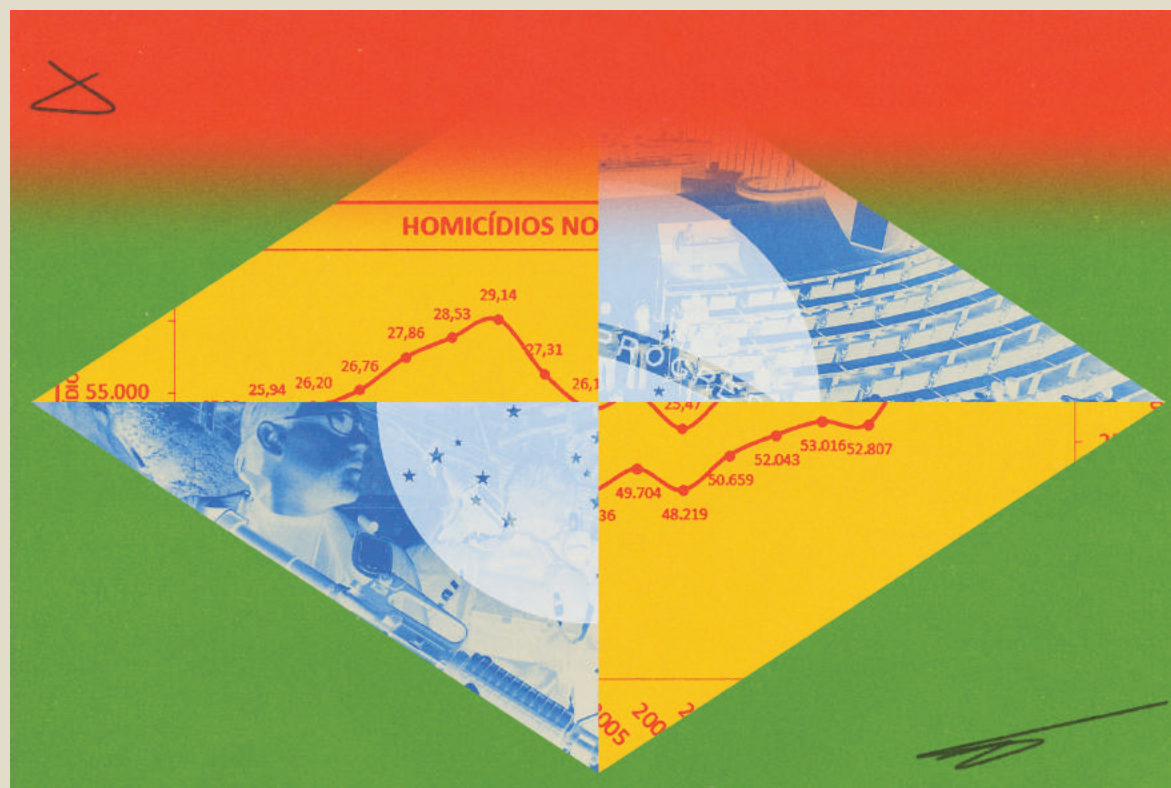
More than a million Brazilians have been murdered over the past two decades, according to official statistics, which researchers suggest are severely undercounted. That's a higher death toll than the United States' "global war on terror" over the same period. Brazil's 2018 homicide rate is more than six times that of its southern neighbor Argentina and even of the gun-crazy United States.

Brazil is also the seventh most unequal country on the planet. This inequality is sharply demarcated along racial lines. Not only are black and brown Brazilians more likely to be poor and undereducated, they're also much more likely to live in higher-crime neighborhoods and be sent to barbaric prisons, and they die violent deaths at three times the rate of their peers — a gap that is growing markedly year over year. It is the living legacy of slavery in the country that imported more African slaves than any other and only abolished the institution in 1888.

The first ever Brazilian police forces were constituted to repress revolts in a society where slaves far outnumbered masters. With the end of formal slavery came new anti-vagrancy laws that empowered officials to arrest those caught being "idle." The punishment was forced, unpaid labor. Forced labor was abolished under the current constitution, but it still exists in some prisons; its full return is a "dream" of Bolsonaro's.

Resistance, however, has never been very far away. During the US-backed military dictatorship that lasted from 1964 to 1985, poor, mostly black, common criminals who had been deprived of a decent education were locked up with educated, mostly white, well-heeled, radical leftist political prisoners. A political education ensued, and out of the prisons was born the Comando Vermelho, or Red Command, a new kind of gang that preached class consciousness. Many others, like the PCC, founded in a São Paulo prison in 1993, later followed this model. It ran stickup crews, sold weed, and, in keeping with its righteous message, gave back to the favelas that it controlled to earn legitimacy. Such contributions were essential lifelines in communities that had been completely abandoned by the state.

To this day, the Comando Vermelho is one of the largest street-level criminal organizations in Brazil, although after decades of turf wars, competition with militias, and changing leadership, brutal capitalism has supplanted much of the social mission.



Beginning in the 1980s and exploding in the 1990s and 2000s, Brazil evolved from being just a transfer point for the multibillion-dollar international cocaine trade to become a market as well. Profits soared, as did competition for turf, investment in the weaponry to defend it, and the body count. Across Brazil, gangs multiplied and fortified, but it was the protected politicians, military officers, and businessmen who controlled the trade routes that made the real profits.

This evolution of violence was immortalized in the 2002 film *City of God*, which tells the stories of boys coming of age in a Rio de Janeiro favela as the cocaine trade begins to take root in their community. That same year, Brazil elected Lula as its first working-class president.

#### COMPROMISE, CONCILIATION, AND FAILURE

By the time the Workers' Party (PT) won their first presidential election in 2002, phantasmagoric drug gangs were well established as society's principal villains in Brazil's monopoly-dominated media. TV news would faithfully reproduce official police narratives while broadcasting ubiquitous images of lanky young black

**MORE THAN A MILLION BRAZILIANS HAVE BEEN MURDERED OVER THE PAST TWO DECADES, A HIGHER DEATH TOLL THAN THE UNITED STATES' "GLOBAL WAR ON TERROR."**



men dressed in shorts and sandals, with a bandanna or T-shirt obscuring their face, brandishing guns in the favelas they ruled. However, rather than a tale of success, the PT's attempts to reform Brazil's justice system offer an illustrative example of the difficulties a left-wing government faces in tackling crime.

Lula won in a landslide in 2002 by moderating the leftist rhetoric from past failed campaigns while still promising bold reforms in public security — based on the correct understanding that poor kids in sandals were not the root cause of the violence, even if they were the face of it. “The Brazilian people are dominated by a widespread feeling of insecurity,” read Lula’s twenty-eight-point public safety plan that year, “and, for this very reason, our government will seek to institute a nationally articulated public security system.”

For the first time in Brazil’s history, the country had a national plan that centered “social exclusion” as a principal driver of criminality and the need for social programs to prevent crime. The plan also highlighted the “lack of preparation” of the police and the “slow pace of justice” as aggravating factors. It did not mince words when pointing out the major role of corruption: “organized crime threatens to compromise the functioning of democratic institutions, often infiltrated by gangs.”

However, the party quickly and quietly dropped any mention of institutional reforms to tackle corruption within the police and justice system. Lula and his successor, Rousseff, neutered the ambitions of their reforms, according to criminologists Rodrigo Ghiringhelli de Azevedo and Ana Cláudia Cifali, due to sharp resistance they were guaranteed to face within the police forces. They were taking the reins of a country shaped by centuries of brutal exploitation and extreme poverty, with exceptionally young democratic institutions — violent policing was one of the few tools the government had at its disposal for Brazil’s many unresolved conflicts.

Police forces in Brazil are organized at the state level, but many public security specialists believe that effective changes will only come through coordination from the federal government. Lula promised this kind of change as a candidate, but he realized that it would require massive congressional support and lengthy negotiations with all twenty-seven governors in order to pass a constitutional amendment. He was most concerned that “the scale and depth of the reforms” would put the presidency “at the center of the public safety issue,

## **DURING THE PT YEARS, BRAZIL’S INCARCERATED POPULATION TRIPLED TO 726,700 PEOPLE, THE THIRD-LARGEST IN THE WORLD.**

giving it unusual prominence in an area that predominantly affects state governments, which would imply an imminent risk of political damage,” according to Luiz Eduardo Soares, a former public security secretary under Lula. So they abandoned the plan.

During his eight years in office, Lula was still able to implement some ambitious policies, beginning with the federal disarmament statute that severely restricted the ability of average citizens to purchase and own guns. This measure alone is widely credited with creating an immediate, marked reduction in homicides, but the PT nonetheless conceded the narrative to pro-gun, “law-and-order” voices on the Right that attacked the policy as a gift to criminals at the expense of “good citizens.”

The government was perpetually worried about being labeled “soft on crime” by a largely conservative electorate. Instead of building on its reformist successes, it chose to simultaneously endorse a series of laws that swelled the prison population and pushed the criminal justice system to the limit.

Chief among them was a 2006 law that increased penalties for drug trafficking. While it decriminalized drug possession for personal use, a progressive measure on its face, it did not specify quantities, which perversely led to many poor, black Brazilians with a joint in their pocket facing serious time for “narcotics trafficking” while rich, white kids got off the hook. The discriminatory law allowed location to be taken into account for sentencing, so a small quantity of drugs seized in a favela was more “suspect” than the same amount in a wealthy neighborhood.

Worse still, 84 percent of drug trafficking prosecutions for ten grams or less are based solely on police testimony and don’t have physical evidence to back them up. During the PT years, Brazil’s incarcerated population tripled to 726,700 people, the third-largest in the world.

Rousseff, who took office in 2011, was far less ambitious in her broader public security agenda than her predecessor had been, but even more zealous on the crime question.

In the first weeks of her government, the newly appointed secretary for drug policy, Pedro Abramovay, who had previously served as a top justice official under Lula, told the *O Globo* newspaper that the administration wanted to end prison sentences for small-scale, nonviolent drug dealers who were selling to support their own habits. This would correct one of the principal failures of the 2006 drug law. “We are talking about people with no ties to organized crime, putting them in prison, and a year and a half later, now with organized crime connections, returning them to society,” explained Abramovay, who argued that the policy was also contributing to prison overcrowding.

Rousseff was furious. She demanded that the justice minister fire him immediately and go on the record making clear that the government was in fact moving in the *opposite* direction. Abramovay resigned, and the proposal never saw the light of day.

Soares, Lula’s former public security secretary, recounted another emblematic disappointment for progressive reformers that occurred that July. Ministry of Justice leaders had spent six months preparing new policy proposals to tackle skyrocketing murder rates. “The long-awaited date arrived: the meeting with the president. The minister handed her the document while the technician prepared to present it,” wrote Soares.

“Homicides?” Rousseff replied. “That’s up to the states.” As Soares recalls, “she put the document aside and ordered that they move on to the next item on the agenda.” Homicides rose 18 percent during her presidency.

Under intense pressure from the United States ahead of hosting the Olympics and World Cup, and facing unexpectedly vehement anti-government protests, in 2013, Rousseff passed a repressive counterterrorism law and another that gave police greater power to obtain evidence and infiltrate suspected criminal organizations — both broad enough to be used against social movements. These choices alienated allies on the Left but also provided the legal tools that the Lava Jato (Operation Car Wash) anti-corruption investigations would exploit to persecute the PT, setting in motion a chain of events leading to Rousseff’s 2016 impeachment and Lula’s 2018 imprisonment.

In 2014, Rousseff also signed a “Guarantee of Law and Order” (GLO) decree that deployed the military in Rio’s favelas to fight drug gangs and “pacify” them ahead of Brazil hosting the World Cup that year, resulting in a laundry list of abuses, crimes, and rights violations.

“The favela streets and life were brutally militarized by the rulers in that recent so-called democratic period,” wrote Gizele Martins, a journalist and activist from the Complexo da Maré favelas, which were occupied under the GLO. For seventeen months, “we lived with curfews, surveillance, arrests, and house raids, in addition to the prohibition of any type of activity on the street.” According to Martins, local activists like her were “censored” and “threatened” for documenting daily abuses.

Left-leaning politicians counter that they are limited by conservative popular opinions. This is largely true. Only 24 percent of Brazilians support legalizing recreational marijuana, for example. But the PT’s own polling data from 2015 reveals a complex mixture of opinions that suggests the public could be persuaded either way on many public safety issues, if presented with the right leadership and messaging.

While 72 percent said cops ignore wrongdoing by colleagues, the same portion said they trust the police, and the most cited problem was not enough police on the streets. “Invest more in police training and equipment” and “combat police corruption” tied as the most popular responses for how the government should improve safety. And while 82 percent approved of using the military to fight crime, the same number said police should change their strategies to avoid deaths and that greater oversight was necessary. Overwhelming majorities believed that “Brazilian prisons are a school for organized crime” (84 percent) and that “overcrowding of prisons violates human rights” (77 percent).

Interestingly, 90.8 percent said they had never heard the phrase “demilitarize the police,” a popular slogan at left-wing anti-government protests two years earlier that had already been embraced by some progressive politicians.

In the end, the PT’s conciliatory strategy led it to seek institutional arrangements with the Brazilian security establishment rather than pursue reforms. As a result, without progressive leadership framing the issue, the most reactionary elements of Brazilian society have dominated the public safety debate with a simple, clear, and vengeful message.

## “INVEST MORE IN POLICE TRAINING AND EQUIPMENT” AND “COMBAT POLICE CORRUPTION” TIED AS THE MOST POPULAR RESPONSES FOR HOW THE GOVERNMENT SHOULD IMPROVE SAFETY.

### MILITIAS RISING

On the morning of February 9, 2020, seventy heavily armed police rolled up on a farmhouse in the sleepy, rural town of Esplanada in the interior of the northeastern state of Bahia. The property belonged to a local politician from Bolsonaro’s most recent political party. The details of what happened next are contested, except for one: the police killed Adriano Nóbrega, at the time Brazil’s most notorious militiaman and fugitive. Police say he died in a gun battle, but autopsy photos suggest he was shot at point-blank range and possibly tortured.

While on the lam, Nóbrega met with multiple close confidants of the Bolsonaro clan, attended parties, and even participated in rodeo competitions.

The Brazilian press had exposed during the previous year that Nóbrega’s family was employed by Bolsonaro’s son Flávio, and that they were intimately involved in the family’s alleged embezzlement scheme. Investigators suspect that Nóbrega, a former captain in Rio’s elite BOPE SWAT team, helped launder and invest the Bolsonaros’ stolen funds. But Nóbrega first gained national notoriety for commanding the “Crime Office,” a militia group and hit squad alleged to have carried out the assassination of left-wing Rio city council member Marielle Franco in March 2018. Ten years earlier, Franco was a staffer for progressive state representative Marcelo Freixo when he led a congressional commission investigating militias.

Two of Nóbrega’s militia colleagues — including Bolsonaro’s next-door neighbor and the father of his son’s ex-girlfriend — are awaiting trial for allegedly carrying out the killing. Like Nóbrega, multiple people suspected of being involved in the hit died under

suspicious circumstances. Almost four years later, the case is still unsolved, and the masterminds remain at large.

The brazen killing of Franco, the ineffective investigation, and the close relationship the suspects have with Brazil’s first family represent the apex of a national militia movement decades in the making — with government assistance. The earliest modern antecedents to today’s militias were “extermination squads” formed by off-duty cops in cities like Rio during the dictatorship. They were paid by local business interests to “clean up the streets” and execute “undesirable elements,” while being cheered on by the press and granted virtual impunity by the state.

In Rio de Janeiro, as militias grew, intense operations against drug gangs by the police and military in strategically important neighborhoods paved the way for militia takeovers. A study by Fogo Cruzado, an organization that tracks armed violence, revealed that more than half of Rio is now controlled by militias.

And it’s no coincidence that Nóbrega chose to lay not-so-low in Bahia, where militia activity is on the rise. Prosecutors in the state are investigating police mafias for murder for hire, theft, witness kidnappings, drug trafficking, torture, and extortion.

In the northern state of Pará, where the Amazon River meets the Atlantic Ocean, militias battle for drug territory with the local chapter of Comando Vermelho. Militias, as in Rio, control informal public transportation services, hold monopolies on pirated TV and internet connections and cooking gas, extort local businesses for “protection,” and sell drugs. Pará is second only to Rio in police killings per year.



These territorial disputes inevitably lead to more death, but once the militias install themselves and formal police authorities leave them alone, shoot-outs in their areas tend to be less common. “Disappearances,” however, are much higher, and they aren’t included in crime statistics. This allows complicit politicians to claim that they are effectively fighting crime, when in fact they are only hastening crime’s capture of public institutions.

Despite outrage over Marielle Franco’s murder, Brazil elected a wave of militia-aligned political candidates just eight months later. Their far-right message vociferously opposed the PT and its supposed predilection for crime, corruption, communism, and cultural degeneracy. Their platforms also included demands for greater police impunity to “fight crime,” including carte blanche to kill suspects, a public safety policy known as the “Slaughter Law,” proposals to inhibit investigations and prosecutions involving police malpractice, and a push to make it much easier to buy guns. Cheered on by right-wing members of the media, these open proponents of police crookedness by a different name rode a cynical wave of “anti-corruption” sentiment that almost exclusively targeted the PT and the Left.

Many of the successful “law-and-order” candidates were former police and military themselves — including a representative from São Paulo who made her name off of a surveillance camera video that showed her pulling her service pistol out of her purse to shoot dead an armed robber in front of her child’s school. The governor, eyeing the upcoming election, hastily organized a ceremony the next day to honor her with a pink orchid.

### LEFT OUT OF THE DEBATE

The Left suffered massive defeats in 2016 and 2018. In São Paulo, Lula’s home base, poor and working-class neighborhoods that had long voted faithfully for the PT flipped overwhelmingly to Bolsonaro-aligned, tough-on-crime politicians pushing a neoliberal economic agenda.

The PT and its allies, after years of passing laws that made the justice system more punitive and arbitrary, spent 2018 focused almost exclusively on the punitive and arbitrary imprisonment of their leader, after two years fixated on the unjust impeachment of Rousseff. While they tried to avoid the subject of corruption almost entirely, their opponents effectively tarred them as “the most corrupt party in the history of Brazil.”

The anti-PT claims, of course, were greatly overstated. The corruption that took place was hardly



novel and involved most of the same people leading the attacks on the party. Much of it was the “cost of business” for bringing establishment parties into the governing coalition in Congress. Even after years of intensive investigations, prosecutors have been unable to prove that Lula or Rousseff made a dime through corruption. But that didn’t matter. The narrative had already taken root, thanks in large part to years of unquestioning wall-to-wall press coverage of the now disgraced Lava Jato investigation.

In the eyes of many Brazilians, the details didn’t matter. During the PT governments, they’d watched militias and gangs grow, seen that impunity for criminals and crooked cops was worse than ever, and perhaps directly experienced small-scale corruption involving a police officer or government official. Maybe they even lost their job or some of their savings when the country’s most celebrated entrepreneur of the era, the flashy

huckster Eike Batista, grew rich with plenty of PT support, only to be exposed as a fraud and have his empire collapse. By 2014, Brazil was plunged into its deepest economic recession in history, and crime rates were worse than ever. If all this bad business was happening under the PT's watch, was it so hard to believe that they were crooks, too?

Just as they had tried to do with street crime, the PT had the vision to clean up high-level crime and corruption but lacked the will or the power to implement the structural reforms necessary. As a result, half measures served to fortify the party's enemies. Ironically, the PT built nearly all the tools that would be used to tear it down through the justice system. It granted greater autonomy to the federal police, the public prosecutor, and the comptroller general, empowering them to more freely investigate political corruption, and it legalized new investigatory methods that would be used and abused in the Lava Jato trials. But it did not implement political or electoral reform that would dilute the power of money in politics, weakening their enemies as well as the need for any party in power to buy allies to cement a ruling coalition. Nor did it go through with promised regulations that would break up influential right-wing media empires, instead flooding them with government money.

The party's biggest failure was "the Lula strategy" of "permanent conciliation," argued Lincoln Secco, a historian whose work focuses on the PT. "It was useful to elect Lula in 2002," Secco said in an interview with *El País*, but conditions changed, and the PT under Lula and Rousseff continued with "the tactic of being pragmatic while the opposition became radical and ideological." Structural reforms were not adequately pursued "when Lula had very high popularity and it was possible."

The non-PT left, however, has proven even less prepared on these issues. One segment, led by former presidential candidate Ciro Gomes, has pivoted hard right on security, while another has embraced identitarian and radical slogans that do not resonate outside their activist circles.

The Socialism and Liberty Party, or PSOL, has best represented this trend. It was formed by a dissident faction of PT exiles who objected to alliances with old-guard oligarch politicians. They left, but the PT's working-class base did not follow. Despite advocating for pro-worker policies and making efforts to recruit nonwhite candidates from favelas, the lion's share of their voters — just

## CRIME IS TOO IMPORTANT AN ISSUE TO BE LEFT IN THE HANDS OF THE RIGHT.

like their leadership — live in the wealthiest, whitest, and most progressive neighborhoods.

This disconnection is demonstrated by slogans like "abolish the police," which has been embraced by the PSOL.

"Recently, we've seen groups within left-wing parties trying to reenter the debate but heavily employing identitarian discourse, in a way that ends up scoring points online rather than engaging in conversation," says Maria Isabel Couto, a director at Fogo Cruzado. "It is disconnected from broader bases that are in dialogue with people frightened by rising violence."

### LESSONS EARNED

Crime is too important an issue to be left in the hands of the Right. After all, it is an expression of oppression, especially in countries like Brazil with brutal histories of dictatorship, racism, and violence. The Left took power with a transformative vision for reducing crime and attempted to implement reforms — but it ultimately ended up prioritizing its relationships with institutional actors, in an effort to maintain power, over its expressed vision for an egalitarian society. While taking power always requires some sort of accommodation, these very compromises with conservative forces helped create the conditions for a deadly surge in violent crime, dissatisfaction among the base, and the subsequent rise of the far right. At the same time, the non-PT left has failed to mount a credible alternative in terms of public security.

Quite simply, the bloody scenes in the Anísio Jobim penitentiary and across Brazil were the product of "law-and-order" forces that are themselves deeply embedded in organized crime and that oppose the social programs that can fight the root causes of violence. They hold the working-class victims of crime in contempt — but a Left that ignores them isn't serving the public much better. ■

# The Tumbrel

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WALL STREET  
SUPERPREDATORS





## The Devil Goes to Preschool

In 1983, journalists helped conjure a nationwide sex panic.

The longest-running and most expensive trial in US history, the McMartin preschool case, began in the fall of 1983, when Judy Johnson claimed that her son, Billy, had been sodomized by Ray Buckey, a twenty-five-year-old teacher at McMartin Preschool in affluent Manhattan Beach, California.

Over the weeks that followed, Johnson's accusations became increasingly bizarre: she alleged that Buckey and other teachers had dressed as witches to abuse her son; that Buckey "flew

through the air"; that Peggy McMartin Buckey (Ray's mother and the school administrator) had stuck scissors in the boy's eyes, and that she had beheaded an infant and made Billy drink the dead baby's blood. Johnson's accounts involved a goat, a lion, an elephant, and day trips via train and airplane to other sites for sex abuse and torture. Her son showed no signs of physical abuse, and Johnson herself would later be diagnosed with acute paranoid schizophrenia, but her accusations set in motion an elaborate chain reaction.

A police search of Buckey's home turned up "evidence" — a rubber duck and copies of *Playboy*. After arresting Buckey, the Manhattan Beach police chief sent a letter to parents naming him as a suspected child abuser. The letter asked parents to question their children as to whether they had witnessed or been victims of abuse, helpfully naming several possible variations of sexual assault they might have experienced. It also suggested that nude photos might have been taken. Persistent questioning by panicked parents produced further accusations, and a major

part of the police investigation was handed over to Kee MacFarlane of the Children's Institute International, a clinic for the treatment of child abuse.

This would have been a good time for sober, dispassionate, even skeptical reportage. But in its early coverage of the story, the mass media inflamed the public, fanning fear of ritual abuse (along with precise descriptions of salacious details) across the country. *Newsweek* reported, without qualification, that “some of the children are now strong enough to relate” details of “the Naked Movie Star game.” The article continues: “The horrors may only have started with sodomy, rape, oral copulation and fondling. For years, the authorities now suspect, parents had unwittingly delivered their children to an outlet for child pornography and prostitution.”

Noting a string of similar accusations erupting at other day care centers, the magazine quoted Gary Hewitt of the Center for Missing Children saying that the problem was “much bigger than anyone wants to believe.” Pondering how such elaborate horrors could have happened over many years at a preschool with an excellent reputation, *Newsweek* suggested that “staff members terrorized their young charges into silence with threats by example — mutilating pet rabbits or squeezing to death young birds.”

Not to be outdone, *Time* uncritically recounted the implausible

story of how a horse was slaughtered in front of students to intimidate them — this, at a busy day care center, where parents were coming and going at all hours. The magazine went on to warn that “[p]arents were too trusting, assuming that separation anxiety was the reason their children cried when dropped off at school.” Another article matter-of-factly referred to “the 125 children who were molested at the McMartin School.”

The McMartin furor stimulated congressional hearings, and the *New York Times* uncritically reported MacFarlane's testimony before the House Ways and Means Subcommittee on Oversight and the Select Committee on Children, Youth, and Families.

In the *New York Times*, Brooklyn district attorney Elizabeth Holtzman wrote of “a cloak of immunity” for child molesters: legal requirements for corroborative evidence, in addition to children's testimony, had the effect of “encouraging [molesters] to continue to sexually abuse children — so long as they do it secretly.” Long-standing legal conventions — the right of the accused to face the accuser in open court; the right of the defense to conduct a rigorous cross-examination — were said to further traumatize already-traumatized children, constituting extensions of the original acts of abuse.

Debbie Nathan, coauthor with Michael Snedeker of *Satan's Silence: Ritual Abuse and the*

*Making of a Modern American Witch Hunt*, called attention to how such framings undermined rational law: “By 1986, in many states, hastily reformed criminal statutes made it unnecessary for children to come into court; parents could act as hearsay witnesses, or kids could testify on closed-circuit TV, giving juries the automatic impression that defendants had done something to frighten the child.”

By spring 1984, a grand jury had indicted seven people — Ray Buckey, Peggy McMartin Buckey, Peggy Ann Buckey (Ray's sister), Virginia McMartin (Ray's grandmother, who had founded the preschool thirty years earlier), and three other McMartin teachers — on 115 counts of child abuse. Additional counts were later added, eventually bringing the total as high as 354 counts against 369 alleged victims. Hinting that they were onto a criminal conspiracy of enormous scale, police informed the media that thirty more people linked to McMartin were also under investigation.

## Tried in the Press

Pretrial hearings lasted more than a year, as attorneys for the defendants mounted an aggressive defense. On the stand, child witnesses related stories that involved sex abuse, satanic rituals, underground passageways, secret rooms, excursions to far-flung sites, the actor Chuck Norris, animal sacrifices, orgies, and the mutilation of corpses.

These stories were graphic, incendiary, bizarre, and often inconsistent. They held up poorly under cross-examination.

Supposedly, McMartin, a preschool with a long and pacific history, had been a front to produce child pornography by a satanic sex abuse ring. Local investigators, the FBI, and INTERPOL had cast a global dragnet, searching cars and houses in widespread locations while reviewing thousands of photos and porn flicks to locate indecent pictures of the McMartin children. Police even offered a substantial monetary reward, no questions asked, for anyone who could produce a single inculpatory photo. But no child pornography was ever found. No semen or blood was detected anywhere on the premises of the school. No sacrificed babies, no mutilated corpses, no remains of animals were ever discovered. Nor was any corroborating evidence of satanism ever revealed.

The closest thing to a witch's or warlock's outfit proffered was the graduation gown police discovered when they searched Buckey's home. Determined to prove the existence of underground tunnels and dungeons, parents began excavating the grounds around the school; after a few days, they were joined by an archaeological team funded by Gloria Steinem. But no tunnels were located. Even *Newsweek* — an early promoter of the hysteria — highlighted the “absence of evidence,” realizing that the case had begun to fall apart.



By the following fall, charges were dropped against all but two of the original defendants: Ray Buckey and Peggy McMartin Buckey, his mother. Logically, the case could have been dismissed outright. But uncritical reportage of the charges continued in most of the mass media. In 1985, for instance, ABC's evening tabloid

*20/20* had run a report claiming that satanic crime and day care sexual abuse were “epidemic.” Local TV stations in California sustained incendiary coverage of the case.

As a graduate student at Berkeley during this time, I observed to friends that the events said to have



occurred at McMartin and other preschools simply could not have happened: teachers and staff were alleged to have ritually abused students in open, unlocked classrooms at a busy school.

The charges themselves were more suggestive of “a toddler’s notion of unspeakable transgression ... than ... any known profile of adult sexual perversion,” as Margaret Talbot subsequently put it in the *New Republic*. Large circus animals were involved in several of the children’s stories. And then there were the physically impossible acts: impracticable copulations, corporeal flight, undetected day trips by air balloon or spaceship.

Typically, during these conversations, I was reminded that terrible things happen to children — or I was quoted the emerging refrain: “We have to believe the children.” A few times, I was given the logically suspect argument that the more fantastic elements of the children’s stories, while probably false, nonetheless revealed an underlying truth — that some terrible trauma had, in fact, occurred. Prosecutors pressed on, and judges allowed the scaled-back case to move forward.

The wheels of justice turn slowly. The first trial got underway in 1987. Kee MacFarlane was examined and extensively cross-examined. It was shown that the techniques she used to interview

children, which involved hand puppets and anatomically correct dolls, were profoundly biased, to put it mildly. Guided by the conviction that any denial that abuse had occurred was itself evidence of abuse, MacFarlane and her associates had asked leading questions and used coercive methods to cajole accusations from 384 out of 400 interviewed children.

One child was asked, helpfully, “Can you remember the naked pictures?” Children who said that they recalled no abuse were asked to speculate: “Let’s pretend and see what might have happened.” They were fed the desired answers to questions. Details were provided, which children were asked to confirm. Young children who supplied stories of abuse were rewarded with hugs; those who did not were harassed: “Are you going to be stupid, or are you going to be smart and help us here?”

The jury voted to acquit on fifty-two of the sixty-five remaining charges; it remained hopelessly deadlocked on thirteen charges, all against Ray Buckley. (A majority of the jury had voted to acquit on all thirteen of them.) McMartin Preschool parents, child protection groups, and victims’ rights advocates demanded a new trial, marching in Manhattan Beach under the banner “We Believe the Children.” Goaded by afternoon tabloid

TV shows — *Geraldo* and *Oprah* among them — and prodded by public opinion surveys, which showed that overwhelming majorities believed the accusations (90 percent of those who followed the news, in one poll), prosecutors slogged on, refiling charges against Buckley on eight counts involving three children.

At the second trial, it was the defense team who put MacFarlane on the witness stand. The jury never heard evidence that Judy Johnson was disturbed when she made the original accusations, or that she had made similar allegations against her estranged husband, Billy’s father. In the end, the second jury deadlocked on all eight counts, leaning toward acquittal on six of them. And so the McMartin case died, not with a bang but with a whimper.

By the end of the process, Ray Buckley had spent five years in jail awaiting trial on crimes that defied all logic. Hundreds of children had made similar accusations against hundreds of adults nationwide. Their hearings revealed much the same script, involving panicked parents, coercive interviews, and sensational journalism. More than seventy people were wrongfully convicted during the ensuing hysteria, then later exonerated.

Few in the media had the decency to mutter even a cursory apology. ■



## Communists Against the Mafia

The battle against the Sicilian Mafia wasn't waged by cops and judges — it was waged by communists and labor militants.

On May 9, 1978, Italians woke to news reports about the murder of former Christian Democratic prime minister Aldo Moro by the Red Brigades. The same morning, in the small Sicilian town of Cinisi, the police found the body of Giuseppe “Peppino” Impastato, a young anti-mafia activist murdered by Cosa Nostra — the Sicilian mafia.

Impastato is commemorated each year as an example of young Italians' fight against what was once the country's most powerful criminal organization. Official memorialization presents this as a

nonpartisan history that crosses political divides, which suits those who want to relegate the fight to a question of mere law and order. Yet while the mafia has, for more than a century, waged war on rebellious peasants and farm laborers, trade unionists and left-wing members of parliament, the resistance against its control has been just as militant — and every bit as political.

### Early Battles

The mafia first emerged in the last decades of the nineteenth century

as an organization designed to protect the profits that the spike in the citrus fruits trade (and its foreign exports) had brought the big landowners, the *latifondisti*. Mafia gangs defended profits on not only lemons and oranges but also sulfur, as the mine owners sought organized protection. The *gabellotti* — entrepreneurs who rented and managed the big landlords' properties — were also mafiosi or mafia-linked. They were flanked by the *campieri*, a private police force that kept order in the estates, an ancestor of today's *caporali* (work-gang

bosses) — figures who controlled the workforce by means of violent repression.

These efforts were resisted at every turn.

The movement of farm laborers, sulfur mine workers, and peasants demanded better working conditions, a shortened workday, increased wages, and a reduction of the taxes owed to the landowners or the *gabellotti* running the farms.

Indeed, it was thanks to the “long wave” of the movement for land and democratic agrarian reform that the Italian Communist Party (PCI) was able to build support on the island and become a mass party by the end of World War II.

## An Anti-Left Bloodbath

Organized crime saw the postwar rise of communists in Sicily as an existential threat. Already in the first months of 1947, in the run-up to the regional election, the mafia had murdered Nunzio Sansone, founder and secretary of the labor hall in Villabate, as well as Leonardo Savia, another communist at the forefront of the fight for land reform. Mafiosi also killed the activists Accursio Miraglia and Pietro Macchiarella.

Sicilian voters registered their response at the ballot box that year, giving the Communist and Socialist-run People’s Bloc 30.4 percent of the vote, a plurality. But the electoral mandate was no protection against outright

massacre. At a May Day rally that year in the small town of Portella della Ginestra, a hail of machine gun fire killed eleven people and left almost a hundred injured. The leader of the Sicilian branch of the Communists at the time, Girolamo Li Causi, and many contemporary historians since, saw the act as just the most extreme example of violent collusion between threatened mafiosi and big landowners.

This was a decisive moment in Italian history, revealing the dark forces behind the bloc that governed the country in the postwar years. The Christian Democrats now ruled Italy together with far-right support, forging an alliance between the Northern industrial bourgeoisie and the Southern landowners — a pact of which the mafia was now very much a part, having built up its capital over the preceding decades.

In this environment, the Communists and Socialists in opposition were now in the mafia’s crosshairs.

The anti-communist outlook of the Italian and Sicilian authorities was made clear in the words of the ruling bloc’s other great ally: the Catholic Church. In the wake of the massacre in Portella della Ginestra and another that followed it in June, Ernesto Ruffini, then cardinal of Palermo, proudly told Pope Pius XII that “the reaction to left-wing extremism is taking on impressive proportions,” dismissing communists as “anti-Italian and anti-Christian.”

Cardinal Ruffini went so far as to lobby Alcide De Gasperi’s Christian Democratic government to ban the Communists, having already secured their excommunication from the Church itself. But the repression was only just beginning, soon to reap fresh victims among the ranks of Socialist and Communist trade unionists.

## A Political Movement

Back in Sicily, shortly before the 1955 regional elections, mafiosi again slaughtered several militants, including Salvatore Carnevale, a laborer in the sulfur caves and a prominent trade unionist.

The Christian Democratic authorities (including the mayor) failed to show up for his large public funeral.

But Raniero Panzieri, at that time the Socialist Party’s regional secretary, called a mass demonstration to commemorate their murdered comrade. National and regional political figures arrived in the tiny village of Sciara: from then regional Italian General Confederation of Labour (CGIL) secretary Pio La Torre to the Palermo PCI secretary Pompeo Colajanni and the Socialist MP Sandro Pertini, who concluded the rally with an appeal to the class and especially the youth: “From his death we must take an example and an inspiration. And the example he left is one of loyalty to the working class and to the party.”



It was again Panzieri who emphasized the intimate connection between all the class struggles against the bourgeois-mafioso bloc, which he dubbed “the squalid and inhuman forces of landowners, the barons, the mafiosi, and crime.”

## The Fall of the Movement

It was not the mafia itself that broke the movement in Sicily but emigration: according to the Italian National Institute of Statistics (Istat), between 1946 and 1956, some 274,000 people left Sicily for Northern Italy or abroad (out of a population not much above four million), followed by another 352,000 in the following decade.

In those decades, Italy was going through the economic boom that followed postwar reconstruction, with accelerated industrial development across the country. However, in the South, a public body designed to finance the development of the region, the “Cassa per il Mezzogiorno,” allowed the mafia to rack up profits and capital, becoming an economic power that would soon shift to the northern regions, with even greater opportunities for profit. What followed were decades of bloodshed and mafia clan wars in which no one was spared — coming to a head with the killing of the Carabinieri general Carlo Alberto Dalla Chiesa in 1982 and the judges Giovanni Falcone and Paolo Borsellino in 1992. Despite its own internal

strife, the mafia also lashed out at the opposition coming from communists and the legal system.

It was these years of bloodshed that culminated in the 1978 murder of Peppino Impastato. Impastato supported the struggles waged by workers, farm laborers, and the unemployed. But above all, he was a defiant voice of protest against the expropriation of peasants’ land to build the third runway of the Palermo airport: the key power base of Cinisi mafia boss Gaetano Badalamenti, whose control guaranteed a sizable flow of drugs through its doors. Impastato, himself the son of a Badalamenti clan affiliate, irreverently reported on these goings-on at street protests as well as over the airwaves through the radio station he founded, Radio Aut.

On Badalamenti’s orders, Impastato was killed in an explosion on the local train tracks, two nights before the Cinisi council elections in which he stood as a candidate for the left-wing party Proletarian Democracy (DP). To hide the mafia’s hand in his murder, the investigators and the press claimed that Impastato had accidentally killed himself while organizing a terrorist attack. Only in the 1990s was the Impastato case finally reopened, with Badalamenti — who had been extradited to the United States and imprisoned there in 1984 — convicted of the murder in 2002.

In 1982, a few months before the assassination of police chief Dalla Chiesa, another key figure in the

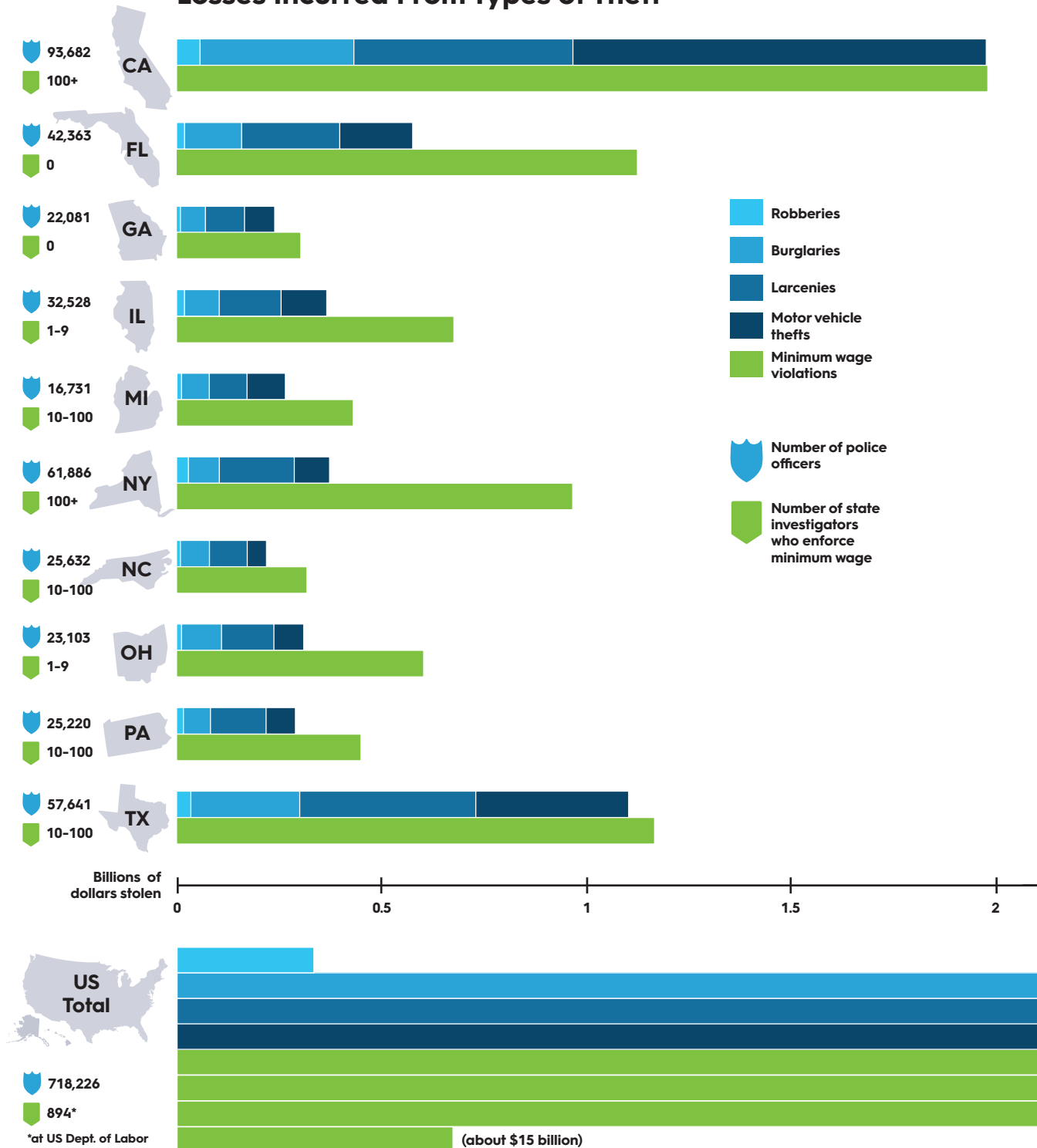
anti-mafia struggle was also murdered by mafiosi: the Communist member of parliament Pio La Torre, who had been head of the Sicilian region of the CGIL union in the 1950s and a tireless militant in the fight over land.

La Torre had insightfully detected the fault lines in the mafia as an organized system of power and capital accumulation.

It was because of his proposal, which later became law, that the mafia was recognized as a criminal organization, and thus punished through not only the imprisonment of its members but the confiscation of the assets under its control, from real estate to businesses and farmland. As a communist, La Torre knew that striking at the heart of this business demanded much more than arrests. Instead, he proposed an assault on the mafia’s control and ownership of capital.

More than three decades have passed since that law was introduced, and the Sicilian Mafia is not dead yet. It has proven capable of transforming and working its way into the inner labyrinth of Italian capitalism, on the basis of the vast economic power it has accumulated. While the mafia no longer deploys mass violence as readily as it once did, it lingers on as a force, in the absence of the organization and belief in progress that once drove so many communists to cut away at the roots of its power. ■

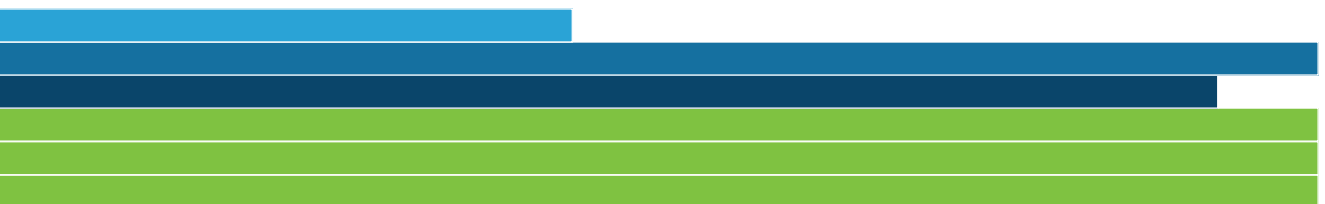
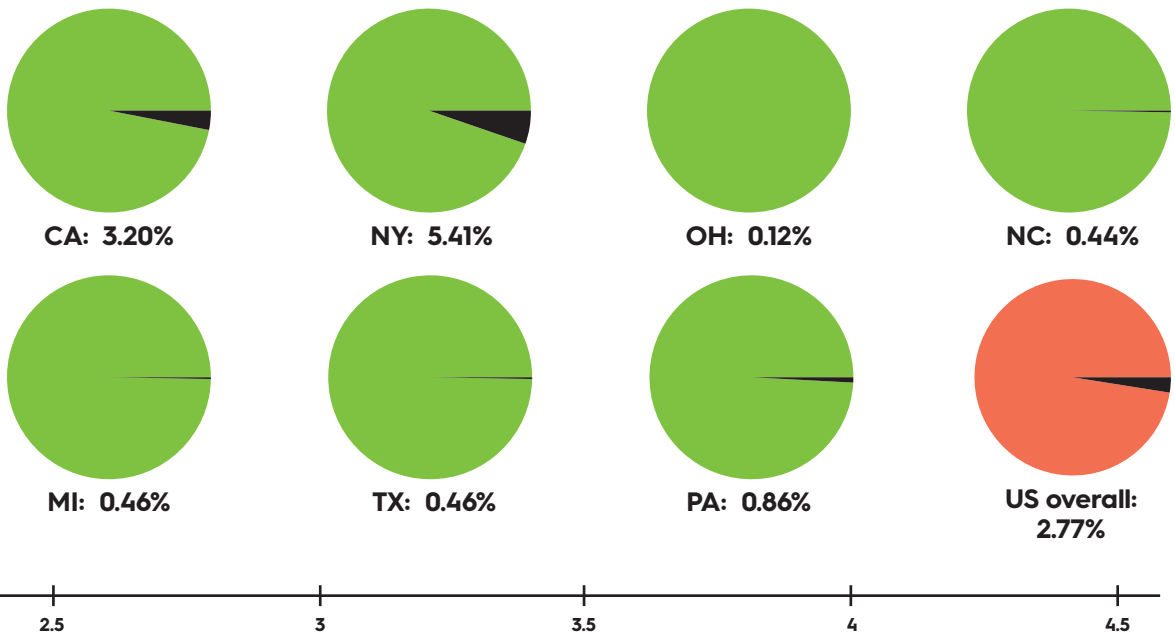
## Losses Incurred From Types of Theft



# The Real Burglars Aren't Wearing Masks

Across the country and across industries, employers steal billions from workers each year. Minimum wage violation — the act of paying workers below the legal limit — is just one form of wage theft, but it results in at least \$15 billion in lost wages annually. In 2015, minimum wage violations cost workers more than all robberies, burglaries, larcenies, and motor vehicle thefts combined.

## Percentage of Stolen Wages Recovered by State Authorities







# ESMOCC CRIMINAL

The seized luxury yacht *Equanimity*, purportedly belonging to fugitive businessman Low Taek Jho, arrives at Boustead Cruise Centre in Port Klang, Malaysia, on August 7, 2018.

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From the Wolf of Wall Street in New York to Jho Low in Malaysia, globalization unleashed a world of well-connected and superrich con artists.

Nicole  
Aschoff

DEPTH  
ANALYSIS

# THE MAN

Tortola, the largest of the British Virgin Islands, in 2013.

The man responsible for what the FBI called the “largest kleptocracy case to date” threw himself a hell of a thirty-first birthday party. A grab bag of Hollywood party clichés, Malaysian businessman Jho Low’s 2012 Las Vegas bash included a bespoke aircraft hangar, a Ferris wheel, a cigar lounge, Cirque-du-Soleil-esque performers, “Oompa Loompa” impersonators, and booze served by gorgeous women clad in red dresses.

What the party lacked in creativity, it made up for in cash thrown down. As Tom Wright and Bradley Hope describe in *Billion Dollar Whale: The Man Who Fooled Wall Street, Hollywood, and the World*, dozens of A-list celebrities, including Leonardo DiCaprio, Jamie Foxx, and Kim Kardashian, came out, many of whom were paid big money to attend. Swizz Beatz, Kanye West, and Ludacris provided musical entertainment, with Britney Spears bursting from a cake to sing “Happy Birthday.” Jho Low himself was gifted a bright red Lamborghini by nightclub owners Noah Tepperberg and Jason Strauss, as a thank you for the millions of dollars he had spent in their establishments over the years.

Low Taek Jho, Wharton business school graduate and professional hanger-on, allegedly bluffed his way into the corridors of power in Malaysia and masterminded the theft of \$4.5 billion from 1Malaysia Development Berhad, the state investment fund for which he served as unofficial special adviser. And he didn’t work alone. Low developed connections around the globe — with the likes of the now-former Malaysian prime minister, middling Saudi elites, washed-up rappers, and a dozen Goldman Sachs bankers — using them to successfully implement the swindle and stash the cash in offshore bank accounts.

Like Jordan Belfort, whose antics apparently impressed Low enough that he bankrolled the DiCaprio-led biopic *Wolf of Wall Street*, Low’s excesses caught up to him. Clued in by the Malaysian playboy’s extravagant spending and mysterious origin story, investigators eventually connected the dots, forcing him into hiding in 2019, where he remains to this day. But the significance of Low’s crime feels deeper to many observers. For Wright and Hope, “Jho Low’s story epitomizes the shocking power of those who learn how to master the levers of international finance in the twenty-first century,” indicative of a “failure of global capitalism.”

If the spate of books released in recent years is any indication, the sense that globalization and financialization have spurred an upsurge in transnational crime is widely shared. In *The Laundromat: Inside the Panama Papers Investigation of Illicit Money Networks and the Global Elite*, Jake Bernstein details just how easy it is for elites to hide their money, through a history of the now-dissolved Panamanian law firm Mossack Fonseca. For a relatively small fee, the company would set up an anonymous corporation in an offshore tax haven such as the British Virgin Islands or Bermuda, and for a little bit more, it would have one of its employees pretend to be the owner so the real money holder could remain a secret.

“Mossfon,” as it was affectionately called, was the company implicated in the 2016 Panama Papers scandal, triggered by the release of a trove of documents by an anonymous whistleblower detailing the dodgy financial dealings of the global elite. According to Bernstein, in its four-decade run, Mossfon alone “flooded the planet with more than 210,000 anonymous companies, trusts, and foundations” — all vehicles to help the wealthy hide their money.







Mossfon alone “flooded the planet with more than 210,000 anonymous companies, trusts, and foundations” – all vehicles to help the rich hide their money.

Elites and corporations looking to hide their earnings are usually engaged in unethical but legal tax avoidance rather than illicit activities. But the secrecy afforded by this global architecture makes it difficult to tell the difference. Indeed, Jho Low, whose friends called him Panda in a nod to his “plump frame and cuddly demeanor” as well as his love for the movie *Kung Fu Panda*, was a relatively benign crook compared to many who employ “corporate service providers.” Guadalajara Cartel cofounder and “Mexico’s first narcotics billionaire” Rafael Caro Quintero was a Mossfon customer. Known for the gruesome torture and murder of undercover DEA agent Enrique “Kiki” Camarena in 1985, Quintero, like many other drug lords and mobsters, utilized the shadow banking structure to hide and launder dirty money.



# THE STATE OF CRIME

It is these criminal acts — drug dealing, sex trafficking, weapons smuggling, cyber scams — rather than Jho Low's Cristal blowouts with Paris Hilton that usually occupy our mental slideshow of global crime. Indeed, the international crime boss has become a staple in the popular imagination. David Cronenberg's 2007 film *Eastern Promises* captures the archetype, telling the fictional story of Semyon, a cultured Russian restaurateur who rapes and pillages, preying on the desperation of Eastern European women and the depravity of Western European men to line his pockets. Semyon and countless others like him, we're told, were unleashed upon the world after the collapse of the Soviet Union, fueled by greed and anger, eager to bend the new rules of global capitalism to their advantage.

This is not just a Hollywood story. Bill Clinton's 1995 speech commemorating the fiftieth anniversary of the United Nations charter warned of the dangers lurking at the end of history. While "the Cold War ha[d] given way to freedom and cooperation," the "new forces of integration also carr[ied] within them the seeds of disintegration and destruction." Clinton praised the wonders of free trade, fluid capital markets, and technological advance, but he worried that "new technologies and greater openness make all our borders more vulnerable to terrorists, to dangerous weapons, to drug traffickers." He named new enemies — including "international criminals and drug traffickers who threaten the stability of new democracies and the future of our children."

Misha Glenny, author of the best-selling book *McMafia: A Journey Through the Global Criminal Underworld* and dedicated cold warrior in his youth, echoes Clinton's sentiments. In Glenny's account, the "collapse of







Do CIA agents and their shady international counterparts stand alongside Russian mobsters, Mexican drug lords, Israeli sex traffickers, and Nigerian cyber scammers in the global criminal lineup?

the Communist superpower, the Soviet Union, is the single most important event prompting the exponential growth of organized crime around the world.” The proliferation of failed states, Glenny argues, created a violent vacuum, a criminal “badlands” in which “economic survival frequently involved grabbing a gun and snatching what you could to survive.” In this worldview, modern international crime is largely a side effect of the headlong rush toward freedom and connectivity engendered by globalization and the chaos that resulted from the collapse of communism — a cancer we must root out so the market can function properly and the rest of us can prosper.

This Manichaeian framing makes for a tidy narrative, temporally and otherwise, but it hides as much as it reveals. Cronenberg sheds some light on the matter. At the end of *Eastern Promises*, Nikolai, the undercover FSB agent who has successfully taken over the London bratva, broods in an empty restaurant, seemingly pondering the vicious crimes he has committed in the name of justice and whether he is, in fact, one of the good guys. His uncertainty is a helpful reminder of how state-making is intimately entangled with crime-committing, as much a part of global crime as the cinematic villains we hate to love.

Satellite imagery of the Salt Pit, code name for a CIA black site prison and interrogation center outside Kabul, Afghanistan.

# IN THE NAME OF CAPITALISM

Crime is a trusted instrument in the geopolitical tool kit. Consider the Central Intelligence Agency, formed in 1947 out of the ashes of the Office of Strategic Services. The CIA is a shadowy government agency tasked with making the world safe for US-led capitalism. From its founding, it has pursued this mission by any means necessary, including the funding and facilitation of some of the world's worst criminals and most heinous crimes.

CIA fingerprints can be found on criminal activity around the world. In the immediate postwar years, President Harry S. Truman was already channeling money through the CIA to fight communism in Europe. Alfred McCoy tells how in 1950 the CIA, through its intermediaries, hired a crew of local Corsican criminals to suppress a dockworker strike in Marseille. In solidarity with the Vietnamese communists fighting the French Expeditionary Corps, the dockworkers were refusing to load supplies headed for Indochina. In due course, the local mafia crushed the dockworkers' strike, and, thanks to the CIA's money and support, the Corsican syndicate forged a heroin production and smuggling operation in Marseille that thrived for decades.

In Vietnam, the CIA ran the Phoenix Program, an illegal torture and assassination effort. According to Sergeant Ed Murphy, a counterintelligence specialist interviewed by Douglas Valentine in *The CIA as Organized Crime: How Illegal Operations Corrupt America and the World*, "Phoenix was a bounty-hunting program, an attempt to eliminate the opposition, by which I mean the opposition to us, the Americans, getting what we wanted, which was to control the Vietnamese through our clients — the Diems, the Kys, the Thieus." The undercover agents picked up anybody deemed a Viet Cong suspect, then tossed them into barbed wire cages too small to stand up in until they got around to interrogating and torturing them. Any Vietnamese person could be

An aerial view of the headquarters of the CIA in Langley, Virginia.

The local mafia crushed the dockworkers' strike, and, thanks to the CIA's support, the Corsican syndicate forged a heroin production and smuggling operation that thrived for decades.





## Smooth Criminals

apprehended, for any reason. “Murphy told how one female suspect was raped and tortured simply because she refused to sleep with an agent.”

In the decades since the Vietnam War, kidnapping, torture, murder, and narcotics — with some blackmail thrown in — has remained the CIA’s go-to formula. An extremely short list includes Operation Condor, MK-Ultra, Iran-Contra, “enhanced interrogation” and death squads in Iraq, as well as black sites and “ghost detentions,” resurrected warlords, and more death squads in Afghanistan.

Do CIA agents and their shady international counterparts stand alongside Russian mobsters, Mexican drug lords, Israeli sex traffickers, and Nigerian cyber scammers in the global criminal lineup?

The crimes of the CIA are not a secret. They exist in a gray zone where enough people know about them that they can’t be denied, yet they are rarely, if ever, the subject of polite discussion and debate. The crimes of gangsters, drug traffickers, and embezzlers are set apart from the war crimes perpetuated by the US government. One set of crimes and criminals is defined as a problem to be eliminated, while the other is ignored and hidden — it’s not a crime to murder and torture as long as it’s in the service of American capitalism.

# MUDDY WATERS

Adding the CIA and similar entities into the picture of global crime muddies not only our moral framework for categorizing crime but also how we imagine strategies to combat it. Granted, “cracking down” on crime demands an honest assessment of how crime, norms of morality, and the carceral state interact in the real world. The horrors of sex trafficking have been used by local law enforcement to push for longer sentences for sex workers trying to make a living. For decades, the so-called war on drugs has been used as an excuse to police and warehouse poor people, particularly people of color, and to justify repeated violations of other countries’ sovereignty. Decriminalization needs to be part of any conversation about crime, whether national or international.



The fact remains, however, that global crime hurts communities. Opioid addiction is directly related to availability. Unsuspecting women are swept up into an unending nightmare of sexual violence. Assassinations by shadowy government agents (and the military) wreak havoc, destroying the sense of safety and security that people need to thrive.

Jettisoning Manichaeian narratives highlights how the structures of global capitalism that facilitate transnational crime, like the money-laundering infrastructure, are used by a wide range of actors, from narco-traffickers and mobsters to CIA agents, from major corporations to millionaires trying to hide money from their spouse ahead of divorce proceedings.

The CIA was an enthusiastic early adopter of the shadow banking system. According to Bernstein, by the early 1950s, the CIA needed a way to pay its covert operatives, and secret bank accounts proved to be the perfect thing. "In 1952, the agency's disbursements had grown to such an extent that it became unwieldy to hand-carry the amounts of cash required. It needed a bank account

that could be kept hidden." So the agency set one up, using a pseudonymous account holder to hide the US government's role.

Needless to say, there is very little appetite for eliminating tax havens and shadow banking. This doesn't mean we shouldn't try. By the same token, we should call out the CIA as the criminal organization that it is, loudly and often, and demand its immediate elimination, along with a public admission of its long list of crimes and misdemeanors.

But even if we were able to shut down tax havens and disband the CIA, there is a deeper challenge in tackling global crime. Crime is historical, integral to capitalism, and fueled anew each day by the logic of our global for-profit system. This is not to say that we should settle on the banditry that capitalism is a violent system that begets crime — or the naive belief that, if we can just get rid of capitalism, we'll eliminate crime. It is simply to say that if we truly want to reduce global crime, it is necessary to comprehend how the internal logic of our for-profit system continually re-creates the conditions for crime to thrive.



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# THE PENTHOUSE VIEW

In pondering how it has come to pass that the great majority has “nothing to sell except their own skins” while a select few have wealth that “increases constantly although they have long ceased to work,” Karl Marx warned against the “insipid childishness” of bourgeois origin stories: “In actual history it is a notorious fact that conquest, enslavement, robbery, murder, in short, force, play the greatest part.”

“Primitive accumulation” isn’t relegated to the distant past — it remains an integral component of modern-day profit-making. As Jason W. Moore argues, accumulation in capitalism relies on constantly evolving combinations of exploitation (paying workers less than the value of what they produce) and appropriation (taking, often through violence, the fruits of labor and nature): “Absent massive

streams of unpaid work/energy from the rest of nature ... the costs of production would rise, and accumulation would slow.” Capitalism cannot survive by exploitation alone; profit-making requires appropriation.

These historically grounded combinations of exploitation and appropriation carve the landscape of global capitalism — a landscape fed by the currents of criminality that connect Montecito, Monte Carlo, and the British Virgin Islands to Tijuana, Chicago’s South Side, and Rio de Janeiro’s City of God. And it is in these latter peripheries that the greatest victims of capitalism’s crimes often reside — the “monetary subjects without money,” as Marxist philosopher Robert Kurz called them.

In his essay on Paulo Lins’s cinematic masterpiece *Cidade de Deus*, Roberto Schwarz discusses the “mesmerizing rhythm” of violence perpetrated by and visited upon residents of the Brazilian favela:

Events are portrayed on a grand scale, but the space in which they unfold is far more limited than the social premises on which they rest. The higher spheres of drug and arms trafficking, and the military and political corruption that protect them, do not appear ... On their own patch — that of the excluded — the gang leaders are powerful figures, men with brains and hard experience who can withstand the highest levels of nervous tension. Yet they are still poor devils, dying like flies, far from the opulence the drug trade generates elsewhere.

The pitied victims of crime, and the mobsters and thugs who do the work of committing the crimes and often die “like flies,” are visible for our inspection and condemnation. Higher up the chain of appropriation, the elites who buy the coke, the venture capitalists who gamble the laundered money, and the elected officials who spend the bribes are much harder to see.

Reckless profligacy like that demonstrated by Jho Low can momentarily bring this world into view. But for the most part, the greatest beneficiaries of crime are blurry or invisible. From the penthouse, the violence and lawlessness experienced daily by those at the bottom are nothing more than evidence of a system working according to design. ■

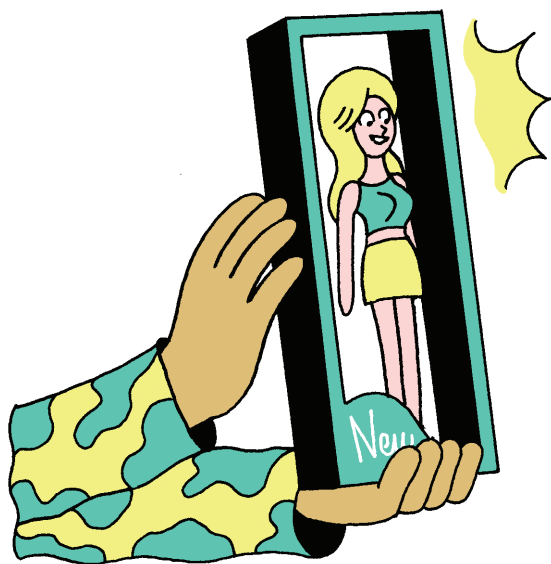
According to the Panama Papers, there may have been connections between South Florida condo purchases, seen opposite lining the beach in Sunny Isle, Florida, and money laundering.



# Leftovers

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OUT ON BAIL



## Barbies and Bullets

**In Colombia and around the world, right-wing paramilitaries and traffickers have adopted a populist feint to win over the communities they terrorize.**

Manuel Padilla still remembers the last time he pulled an all-nighter: it was late November, 2004. That night, he spent hours unloading contraband from a boat moored in the mangroves of northwest Colombia. As a low-ranking member of a drug-trafficking paramilitary militia, Manuel had done it dozens of times before. But normally the cargo was AK-47s or kilos of cocaine.

This time, it was Barbies.

His militia belonged to an alliance of right-wing paramilitary armies that, in the name of fighting

Colombia's rebel groups, had killed almost a hundred thousand peasants and displaced millions from their homes. The dolls, which Manuel's militia gave out as Christmas presents in the communities under its control, were a bid to shed its violent reputation and win hearts and minds. Years later, in 2012, he showed me one of the dolls, which he had kept as a memento: "See, we gave them nice Barbies, not some ugly little thing — the latest models."

The gift giving may have been a token gesture, but it formed part

of a much more sophisticated campaign by paramilitaries to build popular support for their brutal counterinsurgency. And, to a significant degree, they succeeded. It is a difficult truth, but paramilitary and mafia forces can only thrive with a degree of popular support and legitimacy. Indeed, paramilitaries did not come to control entire regions of Colombia through force alone; they also relied on a measure of consent from poor farmers.

As one of the foremost leaders of US military interventions in Latin America, Major John Waghelstein,

once said, “The only territory you want to hold [in a counterinsurgency] is the six inches between the ears of the campesino.” In Colombia, a paramilitary commander named Freddy Rendón Herrera, better known as El Alemán, was something of an expert on that front. It was his paramilitary bloc that gave out the Christmastime Barbies.

From 1997 to 2006, El Alemán’s turf was the northwest region of Urabá. Bordering Panama and about the size of New Jersey, Urabá is a long-standing hot spot of Colombia’s still-simmering armed conflict; it also remains the departure point for a sizable portion of the world’s cocaine supply. Today, a new generation of paramilitaries, or “paras,” as they’re commonly known in Colombia, dominate the region. They filled the void after El Alemán and his troops demobilized in 2006.

Paramilitaries first seized Urabá in the 1990s by routing leftist guerrillas and massacring their alleged civilian collaborators. Campesinos fled from the violence en masse. In their place, paramilitary-linked companies swooped in and established agribusiness plantations on the abandoned family farms.

But then, slowly, El Alemán began repopulating a small portion of the stolen lands by bringing in campesinos from other parts of Urabá. He gave them subsistence-size plots of land and offered them jobs on the plantations. Among this new campesino clientele, the

paras began engaging in what could be described as an elaborate form of community organizing (albeit funded with drug money and in service of an anti-communist counterinsurgency).

When I interviewed El Alemán in 2013, he explained the shift this way: “We realized guns were never going to be enough. As a political-military movement, we also had to think about the social and political front.”

He began by turning nearly one hundred of his low-level soldiers into a cadre of extensively trained community organizers. He then dispatched these operatives, who came to be known as “políticos,” to all the territories under his control in Urabá. El Alemán’s most trusted and dedicated político was Manuel Padilla, the Barbie handler.

Manuel explained that a político’s most important job was to assist communities in establishing Juntas de Acción Comunal, or community action boards, Colombia’s most basic form of local governance. The Juntas are locally elected, state-sanctioned administrative bodies, but they are legally defined as nonstate “civil society” organizations. Among other things, Juntas manage regional improvement projects, resolve local disputes, and give communities a stronger collective voice before government entities.

“By working with the Juntas, we helped them with the construction of a small road or a bridge — those

kinds of necessities,” said Manuel. Since the paras had an endless stream of cocaine profits, building a health clinic or a school was a minor expense; they even paid teachers’ salaries. In other cases, they cofinanced these projects with municipal governments through agreements brokered by the políticos.

Local governments in Urabá were amenable to dealmaking because they were stacked with elected officials, including mayors and councilors, handpicked by El Alemán. He even made them sign an oath in which they pledged loyalty to his cause and agreed to, among other things, govern honestly and without corruption. Most of the politicians had already made these pledges, since they had worked their way up from the Juntas under the tutelage of the políticos.

As El Alemán said, “We trained leaders who carried out their work in the Juntas de Acción Comunal, so that they’d then go out and become municipal council members, and so that they’d work for the communities in which combat operations had ended and a state presence was needed.” In short, the paras invested in the business of state-building.

Paramilitary operatives also helped local residents apply for development aid from national and international agencies. In 2003, posing as a community member, Manuel traveled to Bogotá with a group of campesinos from Urabá for a meeting with Colombia’s national welfare agency. They secured an



agreement that rewarded the communities with monthly cash subsidies in exchange for eradicating drug-related crops and protecting local forests.

The initiative was, paradoxically, part of a larger antidrug program financed by the government, the UN Office on Drugs and Crime, and the US Agency for International Development. This same program negligently supported a handful of paramilitary-linked enterprises, including an ecotourism project aimed at protecting the critically endangered leatherback sea turtle. The políticos lined up peasant cooperatives as the beneficiaries of the aid projects, giving them a grassroots facade that evidently proved irresistible for the development agencies.

Locals were hardly naive about the paras' motives. I spoke with an elderly campesina who made this clear. "No one would say those *muchachos* were little saints [*santitos*]," she said. "But they did a lot for the community. They supported us, and we supported them." Nonetheless, community support was not unconditional.

Despite the overwhelming power imbalance, campesinos were able to negotiate the terms to some extent. In his role as president of a Junta, one campesino said, "As the Junta, we'd tell the políticos if the bloc was doing something we didn't like. We were very direct with them, and them with us — up-front-like [*como frente-ándonos*]."

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**It is a difficult truth, but paramilitary and mafia forces can only thrive with a degree of popular support and legitimacy.**

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To be clear: in Urabá, as elsewhere, paramilitary violence was ruthless and generally indiscriminate against campesinos. But in places with strategic value — for political, economic, or military reasons — the paras sought to appease local campesinos. In return, campesinos gave their political loyalty, their practical-logistical support, and their silence on the cocaine shipments zipping through their communities.

The paras' distorted brand of community organizing was a way of giving more lasting political form to the power they gained on the battlefield. As Manuel put it, "We realized we could do more by working in an organized way through the law and what was legal than we could with ten thousand armed men."

If painstaking political organizing for the hearts and minds of poor campesinos is a hallmark of Colombia's leftist insurgencies, then the right-wing paramilitaries ultimately beat the rebels at their own game. So much so, in fact, that today's generation of

paras still control Urabá through the social, political, economic, and physical infrastructures put into place nearly two decades ago by El Alemán. This same infrastructure is now being used to repress Colombia's left and the protesters who took to the streets in 2021 demanding social reforms. Organized crime, in large parts of the world, is deeply embedded in politics and local economies — which is why the task of combating it is so difficult, and so critical.

The story of Colombia's paramilitaries reveals the deep flaw in any analyses of civil wars and organized crime that draw a sharp divide between crime and politics. It also shows why our understanding of the nexus between crime and politics cannot shy away from the uncomfortable truths it presents to us about the impossible situations it creates for marginalized people. Although campesinos are often cast into narratives of Colombia's armed conflict as either powerless pawns or heroes of subaltern resistance, most of the time, they simply make do. ■

# New York's Cop Coup

In 1993, New York had its first black mayor — and Rudy Giuliani stirred up a police riot at City Hall.



“The reason the morale of the police department of the city of New York is so low,” Rudolph Giuliani thundered outside City Hall, “is one reason, and one reason alone: David Dinkins!”

In the early 1990s, Dinkins, New York City’s first black mayor, was short on allies and long on problems. The local economy was fragile. Violent crime had yet to noticeably ebb, with more than two thousand people murdered in the five boroughs every year. Racial divisions were stark.

Rudy Giuliani was eager to pile on.

Before he was Donald Trump’s disgraced counsel, Giuliani was the prince of white New York, a mayor-in-waiting. In 1989, running as a Republican, he had nearly beaten Dinkins, who dethroned another favorite of outer borough reactionaries in the Democratic primary that year, Ed Koch. Giuliani may have been ghoulish then, but he was taken far more seriously by the city’s cognoscenti. He was still famous for busting mobsters as the US attorney for the Southern District, winning front page after front page at a time when tabloid news coverage could raise heroes from dust.

The Giuliani image was multilayered, aided and abetted by a fawning press corps. To the many men and women who covered his legal exploits and preening for the cameras, Giuliani was a reformer free of the taint of the Democratic machines. Koch had risen and fallen with these old-school patronage networks; Giuliani would be something better, they fathomed, a neo-Fiorello La Guardia rescuing the city from chaos. If they were looking for promising signs, they could point to Giuliani the candidate’s defense of abortion rights and his occasional kind word for immigrants.

A courtly politician who would appear at times disengaged from day-to-day municipal affairs, Dinkins knew the 1993 rematch was going to be brutal. His 1989 victory had been quietly revolutionary, joining together working-class blacks and liberal whites in the kind of rainbow coalition that seemed otherwise impossible in the nadir of the right-wing 1980s. Dinkins as mayor was a cautious moderate with some progressive impulses, managing to pour billions of dollars over the course of his term into dilapidated housing while overseeing austerity budgets.

In a high-crime era, Dinkins successfully fought to hire more police. But an expansion of the New York Police Department (NYPD) was not enough to placate the cops or their favored politician, Giuliani. Dinkins was a black man who spoke out occasionally on police brutality; for the revanchist police unions, this was the equivalent of declaring war.

It all came to a head when Dinkins announced he would create a civilian agency to oversee the police and attempt to check their power. Dinkins was at least the second mayor to try this. In the 1960s, another liberal, John Lindsay, had attempted to install a civilian review board, only to meet backlash from the police unions, who reviled the mayor for siding with black and Puerto Rican residents. “I am sick and tired of giving in to minority groups, with their whims and their gripes and shouting,” said John Cassese, who led the Police Benevolent

Association (PBA), the union for rank-and-file cops, in that era. The PBA helped crush Lindsay’s review board in a public referendum.

For decades, the NYPD had existed as a fiefdom unto its own, operating largely independently from the rest of the city. After Lindsay’s experience, no mayor wanted to take them on. Koch, as a candidate, made noise about cops being overpaid and not patrolling like they should, but he quickly became a staunch supporter of police once he entered office in 1978. By 1989, when Koch was fighting for a fourth term and struggling to fend off Dinkins, he raced straight to the PBA. “You stand between us and the murderers and the rapists and the assaulters,” Koch declared as he took their endorsement. “You are that thin blue line.”

With crime stubbornly high, enough voters could buy the line of Koch and other law-and-order politicians. But many others, particularly African Americans in the outer boroughs, were fed up with a police department that not only failed to protect them from crime but regularly brutalized them with impunity. In 1978, police choked to death a businessman named Arthur Miller in Crown Heights, Brooklyn. In 1983, the same thing happened to a young artist, Michael Stewart, who was caught spray-painting graffiti on the wall of the First Avenue subway station in Manhattan’s East Village. A year later, police killed an elderly woman named Eleanor Bumpurs who was in the process of being evicted

from her Bronx public housing apartment.

By 1992, Dinkins was serious about creating the agency, which would come to be known as the Civilian Complaint Review Board (CCRB). The powers of the oversight body would be relatively limited — there would be no authority to fire officers who were corrupt or killed civilians — but it would exist, as the minimum, as a layer of bureaucracy independent of the department, able to investigate cases of misconduct and produce public findings.

That summer, a police officer shot and killed a Dominican immigrant named José García in Washington Heights. Police were incensed that Dinkins dared to express sympathy for García’s family, since García had a drug conviction. Dinkins had the gall, in their view, to invite García’s family to Gracie Mansion, the stately mayoral residence on the Upper East Side of Manhattan.

On September 16, 1992, more than ten thousand off-duty police officers and their supporters were bused to City Hall Park to protest Dinkins’s plan for the review board. The rally began normally enough, with chants and songs. In uniform were about three hundred police officers who were supposed to control the crowd. Dinkins was away at a funeral for a congressman.

Quickly, the protest devolved. Off-duty police broke through barricades, storming onto the steps of City Hall. “Take the hall!” they chanted, meeting no



resistance from their uniformed colleagues. The rioters climbed onto cars and dented them, some swilling beer. With them was Giuliani, who was stumping for mayor against Dinkins. A Giuliani supporter moved through the crowd handing out voter registration cards.

Many rioters wore T-shirts bearing the words “Dinkins Must Go” and buttons with the slogan “Fight Crime. Dump Dinkins.” Several displayed inflammatory and racist signs, including one depicting Dinkins with a large afro and swollen lips. Another called Dinkins a “washroom attendant.” Attendees chanted, “The mayor’s on crack!”

Some of the men confronted Una Clarke, a City Council member from Brooklyn who was outside City Hall. Both she and a black television cameraman were called the N-word.

When the highest-ranking uniformed officer in the department, Chief David Scott, begged the off-duty police to move off the

steps of City Hall, he was loudly booed. While many of the protesting police refused to leave City Hall, others spilled out onto the surrounding streets, blocking traffic. Broken beer bottles littered the roadway. Uniformed officers, in some instances, egged on protesters.

Along with Giuliani, Philip Caruso, the PBA president, railed against Dinkins and the civilian review board. “The forces of evil are all around,” he said. “They are trying to surround us. They are trying to defeat us.”

The City Hall contingent of rioters, hungry for action, broke out in another direction, heading for the nearby Brooklyn Bridge. The iconic crossing was quickly jammed in both directions. More than two thousand police milled on the roadways, holding up cars for almost an hour. A *New York Times* photographer was surrounded by demonstrators, punched, and shoved.

The off-duty cops remained on the bridge for almost an hour,

eventually dissipating. Dinkins, speaking to the media, later assailed Giuliani, who was viewed as a ringleader of the riot. “He’s clearly, clearly an opportunist,” Dinkins said. “He’s seizing upon a fragile circumstance in our city for his own political gain.”

Dinkins was unbowed. A year later, the Civilian Complaint Review Board was created, the first all-civilian agency in New York to oversee police misconduct.

In the fall, Giuliani got his rematch against Dinkins. The election, once again, pitted white, conservative New York against the multiracial Dinkins coalition. This time, the deeply polarized election yielded a narrow victory for Giuliani, who was helped along by robust support from white ethnic neighborhoods, particularly in the borough of Staten Island, which voted overwhelmingly that year, in a referendum that would never get state approval, to secede from the rest of the city.

Dinkins was gracious in defeat, and Giuliani went on to burnish

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**Before he was Trump’s disgraced  
counsel, Giuliani was  
the prince of white New York,  
a mayor-in-waiting.**

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**The rioters climbed onto cars  
and dented them, some swilling beer.  
With them was Giuliani, who was  
stumping for mayor against Dinkins.**

the myth that he had saved New York from chaos, capitalizing on a drop in the murder rate that was national in scope and had begun when Dinkins was still mayor. The CCRB, though never the transformational body it was pitched as, persisted: it remains in existence today.

Police unions would continue to rail against it and whatever mild reforms appeared in subsequent years. Another aggressive supporter of police power, Michael Bloomberg, became mayor after Giuliani, but he was followed by a former Dinkins aide named Bill de Blasio.

De Blasio was no revolutionary. But he had campaigned on promising to curtail the use of a controversial policing tactic known as stop-and-frisk and improve relations between police and communities of color. After a policeman killed Eric Garner in 2014, De Blasio's first year in office, he spoke movingly about how he had to warn his biracial son about police interactions.

The worst police revolt in decades ensued. At two funerals for slain policeman, officers turned their backs, literally, on De Blasio. Patrick Lynch, a PBA president as reactionary as his predecessors, declared De Blasio had "blood on [his] hands." In the early months of 2015, police initiated a de facto work stoppage. Violent crime remained low, undercutting the message that they were the thin blue line, in Koch's words, between "the murderers and the rapists."

Since then, the rise of progressive Democrats in New York has diminished the PBA's political clout. Lynch's endorsement of Trump in 2020 guaranteed most Democrats, outside of a select few in suburban-style neighborhoods, would stop seeking out the PBA's endorsement altogether. But while the PBA is no longer the force it was under Dinkins, the memory of police revolt and a city politics dominated by crime fears lingers on. ■

LOWER THE CRIME RATE

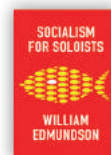
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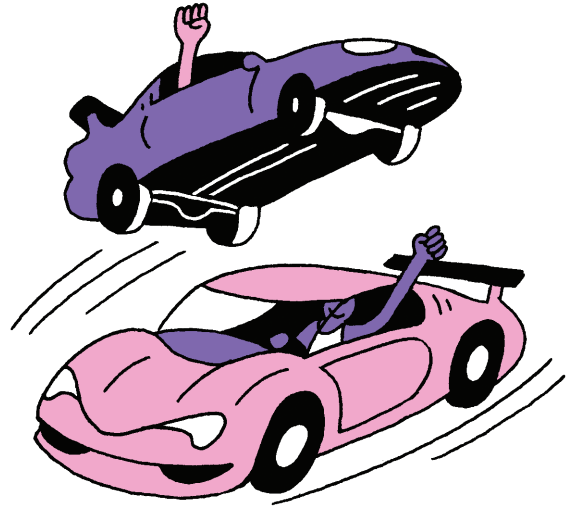


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# Jacobin Does Crime

We're running short on funds. Jacobin troll Donald Hughes wants to help.



We could steal a bunch of expensive cars and fence them to fund the magazine. But in the process, we'll learn about something more valuable than luxury cars — we'll learn about solidarity.

## Can we loop in Vin Diesel somehow?

We could assemble a small team of commandos and seize one of those free ports that warehouses billions in art for investors. Then we could open an improvised museum there, showcasing the art via livestream. It would teach the public about the importance of art.

## How does this help cover our deficit?

We could declare a temporary autonomous zone as part of a street protest and use the chaos of the situation to rob many of the banks in the area.

## Did you rewatch *Joker* again?

Socialist athletes could be tapped to throw key games. Then we would bet heavily against them and use the winnings to help fund the revolution. They wouldn't receive a cut, so it would be hard to prove anything.

**American socialists are already not known for our athletic prowess — I'm not sure we can risk getting Justin Jackson banned from the NFL.**

We should run boss-friendly campaigns in unions on the understanding that we get a cut of major deals to ensure labor peace. Then we'd use the funds to build large patronage networks. We'd leverage those patronage networks to secretly build an underground army of radicals that will overthrow the system. I call it the "rank-and-file strategy."

**There might be something to this.**



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We could promote a miracle cure that we conveniently own a large stake in. Then we can reveal it was all a sham and turn it into a teachable moment about the importance of a scientific approach to socialism. But we keep all the money.

### It's working for Alex Jones.

We could steal a conservative direct mailing list and send out millions of letters asking for tax-deductible donations to the Jacobin Foundation to combat socialism.

**As a hopelessly reformist publication, some might argue that that wouldn't even be a lie.**

We could get heavily involved in the illicit arms trade — shipping weapons to radical insurgent groups around the world. I don't have any experience in this field, but it can't be too hard. Buy guns, sell guns. Buy more guns, sell more guns. Easy-peasy.

### No, not easy-peasy.

I could act as a honeypot for a tech CEO to attract them into a passionate affair. Then, I can

slowly convince them that socialism is the future and to give their billions to socialist organizations around the world.

### Don't ever say "honeypot" again.

We could comb through the old opinions of prominent progressives looking for something that could get them in trouble these days. Then, we privately offer to overlook the bad opinions in exchange for cash. If they don't agree, we write a hit piece about them.

### That's a crowded market nowadays.



We could hold a large progressive politics music festival and attract top musicians by promising them a lot of money. Then, at the end of the festival, we'd announce that all the performers have agreed to donate their fees to the socialist movement. By the time the acts complain, we've already moved the money into offshore accounts.

**You think you can out-crook music executives?**



We could enter the high-stakes world of international espionage, where nothing is as it seems and you trust others at your own peril. We'd have cool code names and little gadgets, and maybe learn martial arts or something like that. I'm not sure how this would benefit Jacobin, but it sounds like something fun to do.

**You're pitching this to a publication already run out of Langley.**

We could buy a Jacobin yacht and operate a casino in international waters. Gambling, drinks, and good company. A jazz quartet plays some great music. A wonderful meal and a bit of dancing. The breeze is just perfect. And what's this? A romantic sunset at sea? Visualize it with me.

**It's like the Nation Cruise without Eric Alterman around.**

We could gather together the world's top Marxist economists and build a secret hedge fund that exploits insider information sourced from disgruntled employees in big corporations.

**You know what they say about the master's tools.**

We could reorganize Jacobin as a mysterious new religion to avoid government scrutiny as we engage in various criminal accounting schemes. I could be the lead preacher—I have a lot of ideas about what we could stand for, and I can sound pretty convincing. And if some gullible readers join our fraudulent religion and donate their life savings, well, I'm not turning them away.

**It's "Reason in Revolt," Don.**

We could become a "mouthpiece" for the Kingdom of Saudi Arabia—subtly at first, but escalating until we rarely talk about anything else. We could highlight their widespread state ownership in the economy, their generous social programs for citizens, and the remarkable progress made under the Vision 2030 reform plan so far.

**We'd give up on socialism for cash, but Jacobin will never quit republicanism.**



If you'd rather us not pursue any of Don's ideas, please consider contributing to Jacobin at [jacobinmag.com/donate](https://jacobinmag.com/donate) or via check to:

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**“San Quentin, may you rot and burn in hell.  
May your walls fall, and may I live to tell.  
May all the world forget you ever stood.”**

**— Johnny Cash**